

COUNCIL DOCKET OF

July 29, 2008☐ Supplemental ☐ Adoption ☐ Consent ☒ Unanimous Consent Rules Committee Consultant Review

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Advertising and Award of Penasquitos Views Trunk Sewer

☒ Reviewed ☐ Initiated By NR&C On 6/25/08 Item No. 1b

RECOMMENDATION TO:

Approve.

VOTED YEA: Frye, Faulconer, Peters, Atkins

VOTED NAY:

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

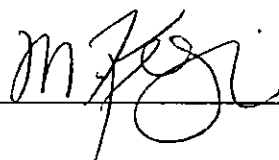
INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Engineering and Capital Projects Department's June 18, 2008, Executive Summary Sheet

COUNCIL COMMITTEE CONSULTANT



REPORT TO THE CITY COUNCIL
EXECUTIVE SUMMARY SHEET100
07/29

DATE REPORT ISSUED: May 5, 2008
ATTENTION: Council President and City Council
ORIGINAL DEPT.: Engineering and Capital Projects, Right-of-Way Design Division
SUBJECT: Advertise and Award of Penasquitos Views Trunk Sewer
COUNCIL DISTRICTS: 1 (Peters), 5 (Maienschein)
STAFF CONTACTS: M. Gibson (619) 533-5213 / Carl Spier (619) 533-5126

REQUESTED ACTION:

Council authorization is requested to advertise and award a construction contract for Penasquitos Views Trunk Sewer.

STAFF RECOMMENDATIONS:

Adopt the resolutions.

EXECUTIVE SUMMARY:

Penasquitos Views Trunk Sewer is part of the City of San Diego's Sewer Main Replacement Program as mandated by the Environmental Protection Agency (EPA). It includes the abandonment of approximately 5,765 linear feet of 12 and 15-inch sewer mains and the associated manholes in the Canyonside Community Park and Los Penasquitos Canyon Preserve and installing approximately 1,500 feet of 18-inch sewer main. The existing easement will be abandoned and the pipes will be abandoned in-place to minimize the environmental impacts. The abandonment will include removing the cover and busting the top, drilling or breaking the bottom of the manholes, slurry sealing the manholes and the pipe and then filling the top of the manholes with soil. This is a common practice to abandon a pipe outside the trench area and there is no need to remove the existing pipe which is 10 feet deep on average to minimize environmental impacts. The existing mains were installed in 1968 and they are no longer meeting capacity. The replacement of these sewer mains will provide the community with a safe and reliable wastewater collection system that complies with EPA.

The City of San Diego, as lead agency under CEQA, has prepared and completed a Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program covering this activity, Project No. 6624 dated November 27, 2006. Council passed resolution R-302676 on June 4, 2007 approving this activity.

On February 25, 2002, Council passed resolution R-296105 approving the Consultant Agreement with Rick Engineering Company for the design services of this project.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego-Prevailing wages do not apply to this contract.

Goals: 16% Mandatory subcontractor Participation Goal, 5% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 10% Advisory Participation Goal Other Business Enterprise (OBE).

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Other:

Prior to award, a work force report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the plan and adherence to the Non discrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPE. Failure to comply with SCOPE will lead to the bid being declared non-responsive. This contract will be advertised for bid in the San Diego Daily Transcript, the City of San Diego's website and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to the implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$2,322,867. Funding of \$354,151.14 was previously authorized by Council (R-296105) for a consultant agreement with Rick Engineering. Funding is available in the enterprise fund, CIP No. 46-194.0, Annual Allocation – Trunk Sewer Rehabilitations, Fund 41506, Sewer, for this purpose. The project costs for the sewer portion of \$1,968,715.86 may be bond reimbursed approximately 80% by current or future debt financing. The project is scheduled to use FY09 funding. No further funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL COMMITTEE ACTIONS:


The subject item will be presented to the NR&C committee prior to the Council docket date.


COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, this project was presented to the community. Residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of the notices. Traffic control plans have been prepared for this project and will be implemented during the construction operations.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents will experience minor impacts during construction. After completion, residents will experience improved reliability of the sewer collection systems.



Patti Boekamp
Director, Engineering & Capital Projects

David Jarrell
Deputy Chief of Public Works



Land Development
Review Division
(619) 446-5450

Mitigated Negative Declaration

Project No. 6624
SCH No. 2006091103

SUBJECT: PENASQUITOS VIEWS SEWER REPLACEMENT AND ABANDONMENT: SITE DEVELOPMENT PERMIT and RIGHT OF ENTRY PERMIT to allow the construction of approximately 146 linear feet of a 12-inch diameter sewer line and 1,344 linear feet of an 18-inch diameter sewer line within an existing set-aside in City of San Diego-owned open space. The project would also involve the abandonment of approximately 5,765 linear feet of 12-inch and 15-inch sewer line and associated manholes. The scope of work also includes associated improvements such as laterals, manholes, and related improvements. Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, Canyonside Community Park, and Los Penasquitos Canyon Preserve, all within the Rancho Penasquitos Community Planning area of the City and County of San Diego. Applicant: City of San Diego, Engineering and Capital Projects Department, Water and Sewer Design Division.

UPDATE: January 3, 2006. Subsequent to the distribution of the draft Mitigated Negative Declaration the document was revised to provide clarification of the project features, with respect to usage of native plants in areas of the sewer manhole abandonment. The revisions do not affect the environmental analysis or conclusions of this document. All revisions are shown in a ~~striketrough~~ and/or underline format.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): BIOLOGICAL RESOURCES, LAND USE/MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP), HISTORICAL RESOURCES, AND PALEONTOLOGICAL RESOURCES. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures would be the responsibility of the applicant. The basis for the MMRP can be found in the Initial Study. The mitigation measures are described below.

GENERAL

Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading *Environmental Requirements*: "Los Penasquitos Views Sewer Replacement and Abandonment Project is subject to a Mitigation, Monitoring and Reporting Program and shall conform to the mitigation conditions as contained in the Mitigated Negative Declaration 6624."

BIOLOGICAL RESOURCES

1. Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, which ever is applicable, the owner/permittee shall assure that direct impacts to sensitive upland and wetland habitats (0.320-acre of Diegan Coastal Sage Scrub; 0.247-acre of Non-native Annual Grassland; and 0.102-acre of Southern Willow Scrub) have been mitigated in accordance with Table 1. Satisfactory to the ADD environmental designee of LDR, the owner/permittee shall mitigate according to the appropriate mitigation ratios as required by the City of San Diego Biology Guidelines.

TABLE 1. MITIGATION REQUIRED FOR PROJECT IMPACTS

Habitat Type	Impact acres	Mitigation Ratio	Required Mitigation (acres)	Proposed Mitigation (acres)
Diegan coastal sage scrub (inside MHPA)	0.295	1:1	0.295	0.772
Diegan coastal sage scrub (outside MHPA)	0.025	1.5:1	0.038	0.038
Non-native grassland (inside MHPA)	0.079	1:1	0.079	0.079*
Non-native grassland (outside MHPA)	0.168	1:1	0.168	0.168*
Southern Willow Scrub	0.102	2:1	0.204	0.204
Total	0.669	-	0.784	1.261

* Impacts to non-native grassland shall be mitigated through out-of-kind restoration with valley needlegrass grassland.

2. Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, which ever is applicable, the owner/permittee shall make arrangements to schedule a preconstruction meeting (precon meeting) to ensure implementation of the Mitigation Monitoring and Reporting Program (MMRP). The meeting shall include the Resident Engineer (RE), Principal Qualified Biologist (PQB) biologist, monitoring archaeologist, monitoring paleontologist, and staff from the City's Mitigation Monitoring Coordination (MMC) Section.
3. The applicant is responsible for retaining a qualified biologist (as outlined within the City of San Diego Biological Review References). Prior to the first precon meeting, the applicant shall submit for approval a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB and Qualified Biological Monitor (QBM), where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References.
 - A. At least thirty days prior to the precon meeting, the PQB shall verify that any special reports, maps, graphics, specifications, plans, letters and timelines, such as but not limited to, revegetation/restoration, planting, irrigation, and erosion control plans, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
 - B. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitat as shown on the approved Exhibit A.
 - C. All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The PQB or approved QBM shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.
4. Prior to the first precon meeting and/or any construction activity, the owner/permittee shall provide detailed revegetation/restoration plans and specifications satisfactory to the ADD Environmental designee of LDR. The plans and specifications for the upland restoration and wetland enhancement must be found in conformance with the revegetation plan in the *Biological Resources Report for the Los Penasquitos Views Trunk Sewer Replacement Project*, prepared by *Tierra Environmental* on March 14, 2006. All conditions associated with the *Biological Resources Report for the Los Penasquitos Views Trunk Sewer Replacement Project* revegetation plans shall be incorporated onto the landscape construction documents (LCD) as required by the City of San Diego DSD Landscape Architecture Section (LAS) for review and approval.
 - A. WETLAND CREATION: Prior to the start of construction, the owner/permittee shall submit written verification that 0.192 acre of wetland creation area has been set aside in the Los Penasquitos North Mitigation Site.

- B. TRANSPLANT: Prior to the start of the construction the owner/permittee shall provide the City of San Diego Park and Recreation Department the opportunity to salvage California adolphia and San Diego marsh elder individuals that would otherwise be directly impacted by project construction.
- C. RESTORATION GOAL: The project shall restore and enhance 1.057 acres of upland habitat and enhance 0.012 acres of wetlands onsite within Los Penasquitos Canyon.
- D. RESPONSIBILITIES: A Principal Qualified Biologist (PQB) or Principal Restoration Specialist (PRS) shall be retained to supervise the revegetation process. The PQB or PRS shall have a formal educational background in biology, ecology, landscape architecture, horticulture, or related field and shall have at least two years successful experience supervising native habitat revegetation/restoration projects in southern California. The PQB or PRS is responsible for designing and overseeing the revegetation effort (including revegetation design, irrigation layout, planting and seeding, weed eradication, erosion control, and long-term biological monitoring), and for preparing interim and annual reports describing the status of the effort. The PQB or PRS will assist the land owner and revegetation contractor with any decisions regarding the need for specific treatments and remedial actions. The revegetation plan shall be implemented by a qualified firm holding a C-27 landscape contractor's license issued by the State of California, and a Pesticide Applicator's License issued by the California State Department of Pesticide Regulation. The Revegetation Installation Contractor (RIC) and Revegetation Maintenance Contractor (RMC) shall be able to demonstrate experience installing and maintaining at least one successful native habitat revegetation project in southern California including experience in non-native species control and management within natural habitat areas. The RIC and RMC is responsible for all site preparation, weed eradication, installation of irrigation system components, installation of plant materials and native seed mixes, and any necessary maintenance activities or remedial actions required during installation, and the five year long-term maintenance and monitoring period as described in Section III below.
- E. BIOLOGICAL MONITORING REQUIREMENTS: The monitoring program shall include qualitative and quantitative vegetation sampling in both the upland restoration and the wetland enhancement areas as outline in Table 2.
- a. All biological monitoring shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.

Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/successes criteria). Horticultural monitoring shall focus on soil conditions (e.g. moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g. invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.

Monitoring shall be conducted quarterly for year 1; semiannually for years 2-3; and annually for years 4-5. Three quarterly reports and an annual report shall be prepared for year 1. One semi-annual report and one annual report shall be prepared for years 2-3. One annual report shall be prepared for years 4-5. These

reports shall be submitted to the owner/permittee for distribution to the ADD environmental designee of LDR to determine compliance with the performance standards identified on the LCD. All plant material must have survived without supplemental irrigation for the last two years. The results of these surveys shall be forwarded to the owner/permittee for distribution to the ADD environmental designee of LDR, Park and Recreation Department, MSCP, pertinent resource agencies, and MMC.

Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and percent cover on non-native/non-invasive vegetation. Container plants shall also be counted to determine percent survivorship. The data shall be used to determine attainment of performance/success criteria identified within the LCD.

The results of these surveys shall be forwarded to the owner/permittee for distribution to the ADD environmental designee of LDR, Park and Recreation Department, and MMC. At end of year one, permanent vegetation sampling stations shall be established within each Revegetation site to measure year-to-year changes in shrub cover, height, density, and diversity. Transect data shall be collected at the end of years one through five.

Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of at least two years. The PQB or QBM shall oversee implementation of post-construction BMPs such as gravel bags, straw logs, silt fences or equivalent erosion control measure as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible for verifying the removal of all temporary post-construction BMPs upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase Consultant Site Visit Records Forms.

Monitoring Schedule (Table 2)

Type/Task	Year 1	Year 2	Year 3	Year 4	Year 5
Qualitative and Quantitative Vegetation monitoring	Quarterly	Semi- Annually	Semi- Annually	Annually	Annually

F. PERFORMANCE CRITERIA: The performance standards for the mitigation effort are as follows:

Milestone	Survival	Percent Germination	Minimum tree height	Percent Coverage
End of Year 1				
Diegan Coastal Sage Scrub	90 percent survival of container stock	50%	-	20%
Native Grassland	-	50%	-	10%
Southern Willow Scrub	90 percent survival of container stock	50%	-	20% cover by tree species
End of Year 2				
Diegan Coastal Sage Scrub	100 percent survival of container stock that survived year 1	-	-	30%
Native Grassland	-	-	-	15%
Southern Willow Scrub	100 percent survival of container stock that survived year 1	-	-	30% cover by tree species 35% seed cover
End of Year 3				
Diegan Coastal Sage Scrub	100 percent survival of container stock that survived year 1	-	-	40%
Native Grassland	-	-	-	20%
Milestone	Survival	Percent Germination	Minimum tree height	Percent Coverage
Southern Willow Scrub	100 percent survival of container stock that survived year 1	-	8 feet	45% cover by tree species 50% seed cover
End of Year 4				
Diegan Coastal Sage Scrub	100 percent survival of container stock that survived year 1	-	-	50%
Native Grassland	-	-	-	25%
Southern Willow Scrub	100 percent survival of container stock that survived year 1	-	10 feet	65% cover by tree species 50% seed cover
End of Year 5				
Diegan Coastal Sage Scrub	100 percent survival of container stock that survived year 1	-	-	60%
Native Grassland	-	-	-	30%
Southern Willow Scrub	100 percent survival of container stock that survived year 1	-	12 feet	65% cover by tree species 50% seed cover

- G. MAINTENANCE REQUIREMENTS: 120-day Plant Establishment Period (PEP) – The Revegetation Contractor shall be responsible for the maintenance of the mitigation areas for a minimum period of 120 days. Maintenance activities shall include, at a minimum, all items described within the *Los Penasquitos Views Trunk Sewer Replacement Project Revegetation Plans*. At the end of this period, MMC and EAS shall review the mitigation areas with the owner/permittee, PQB, Revegetation Contractor, City of San Diego Park and Recreation Department, MSCP, and pertinent resource agencies to determine the completion of the PEP. Any punch-list items developed during this review shall be completed by the PQB prior to acceptance of the mitigation installation and initiation of the five-year maintenance and monitoring period.

Five-Year Maintenance and Monitoring Program – Maintenance activities shall include all items described within the *Los Penasquitos Views Trunk Sewer Replacement Project Revegetation Plans*. Plant replacement shall be conducted by the PQB's technical assessment.

- H. REMEDATION AND/OR CONTINGENCY MEASURES: If an annual performance criterion is not met for all or a portion of the revegetation program project in any year, or if the final success criteria are not met, the owner/permittee shall prepare an analysis of the cause(s) of failure, and if determined necessary, propose remedial action for approval. If the mitigation areas have not met any performance criteria, the maintenance and monitoring obligations shall continue until the City gives the project final approval as having met all permit conditions and success criteria. Funding for contingency remedial measures shall be the responsibility of the owner/permittee.

- I. NOTIFICATION OF COMPLETION: Upon achievement of the fifth year success standards and completion of the five-year maintenance period, the Revegetation Contractor shall prepare and certify a Final Monitoring and Notice of Completion report. This notification may occur before the five years (can occur within the three-year time frame), if the site meets its fifth year criteria and the irrigation has been terminated for a period of at least two years. The Final monitoring and Notice of Completion report shall be submitted to MMC, ADD environmental designee of LDR, City of San Diego Park and Recreation Department, MSCP, and pertinent resource agencies for evaluation of the success of the mitigation effort and final acceptance. The Final Monitoring and Notice of Completion report shall make a determination of whether the requirements of the mitigation plan have been achieved. If at the end of five years, any of the revegetated areas fail to meet the project's final performance standards, the owner/permittee must consult with the pertinent resource agencies, ADD environmental designee of LDR, MMC, MSCP, and the City of San Diego Park and Recreation Department. This consultation shall determine whether revegetation efforts are acceptable. The owner/permittee understands that failure of any significant portion of the mitigation areas may result in a requirement to replace or revegetated that portion of the site and/or extend the monitoring and maintenance period until all success standards are met.

6. The owner/permittee shall provide evidence* of the following to the ADD environmental designee of LDR prior to any construction activity the following:

- A. Compliance with U.S. Army Corps of Engineers (ACOE) Section 404 nationwide permit;
- B. Compliance with the Regional Water Quality Control Board Section 401 Water Quality Certification; and
- C. Compliance with the California Department of Fish and Game Section 1601 Streambed Alteration Agreement.

* Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD environmental designee of LDR.

- 7. The creation of the proposed permanent access path in Los Penasquitos Canyon creates a new public access and potentially increases recreation activity which could impact native habitat. A barrier to vehicular activity and appropriate signage shall be installed at the beginning of the permanent access paths to regulate unauthorized entry into the area.
- 8. The top 6 inches of topsoil shall be removed from the proposed construction trench and any other areas that will be revegetated with native habitat. Topsoil shall be stockpiled until after the sewer line construction work is complete. Topsoil shall not be piled higher than four feet and shall be kept cool and dry. After the construction work is complete, the topsoil shall be placed over the surface of the disturbed construction trench where revegetation of native habitat is proposed.
- 9. Excess soil shall be used to re-contour and restore graded areas to pre-construction contours. Impacted drainage channels shall be restored to original contours
- 10. All pathway fill material shall be re-compacted to levels that are appropriate for permanent path structure to help reduce erosion and the longevity of the access paths.
- 11. Proper drainage shall be considered in the permanent access path design. The access path shall be graded to disperse runoff. This can be achieved with a cross slope of sufficient gradient that will withstand long term, periodic vehicular maintenance traffic. Paths shall be cross-sloped 3-5 percent to disperse water. Earthen road-edge berms and/or a drainage swales located at the inside of the road surface shall be avoided as these feature concentrate flow and create an additional long-term maintenance effort.
- 12. An erosion control native seed mix shall be installed via hydroseed equipment over the unpaved permanent access road being created for the new pipeline.
- 13. Weed control shall be conducted three times annually and as-needed for the life of the access path to prevent the conversion of native habitat to non-native vegetation. Weed control may be discontinued upon the recommendation of the project biologist and approval of the MMC, ADD environmental designee of LDR, and City of San Diego Park and Recreation Department.

LAND USE/MSCP

1. Prior to initiation of any construction-related grading, the biologist shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
2. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The limits of grading shall be defined with silt fencing and checked by the biological monitor before initiation of construction grading.
3. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields. If lighting adjacent to the MHPA is required for nighttime construction, it shall be unidirectional, low pressure sodium illumination (or similar), and it shall be directed away from the preserve areas and the tops of adjacent trees with potentially nesting raptor species, using appropriate placement and shields.
4. No staging/storage areas for equipment and materials shall be located within or adjacent to environmentally sensitive habitats. No equipment maintenance shall be conducted within or near these areas.
5. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
6. No trash, oil, parking or other construction related activities shall be allowed outside the established temporary construction easement as shown on the construction drawings. All construction related debris shall be removed off-site to an approved disposal facility.
7. Prior to the precon meeting, the ADD environmental designee of LDR shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher, Least Bell's Vireo, and the Southwestern Willow Flycatcher are shown in the construction documents:

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

1. Prior to the precon meeting, the City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 1 and August 15, the breeding season of the Coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- A. A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the Coastal California gnatcatcher. Surveys for the Coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If gnatcatchers are present, then the following conditions must be met:
- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied gnatcatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - II. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 db(a) hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 db(a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
 - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 db(a) hourly average at the edge of habitat occupied by the Coastal California gnatcatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 db(a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If Coastal California gnatcatchers are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15 as follows:
- I. If this evidence indicates the potential is high for Coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no further mitigation measures are necessary.

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

2. Prior to the precon meeting, the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the city manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the least bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
 - II. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
 - III. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 db(a) hourly average at the edge of occupied least Bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 db(a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

- IV. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 db(a) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 db(a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
- I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no further mitigation measures are necessary.

SOUTHWESTERN WILLOW FLYCATCHER (Federally Endangered)

3. Prior to the preconstruction meeting, the City Manager (or appointed designee) shall verify that the following project requirements regarding the southwestern willow flycatcher are shown on the construction plans:

No clearing, grubbing, grading, or other construction activities shall occur between May 1 and September 1, the breeding season of the Southwestern Willow Flycatcher, until the following requirements have been met to the satisfaction of the city manager:

- A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [db(a)] hourly average for the presence of the Southwestern Willow Flycatcher. Surveys for this species shall be conducted pursuant to

the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the Southwestern Willow Flycatcher is present, then the following conditions must be met:

- I. Between May 1 and September 1, no clearing, grubbing, or grading of occupied Southwestern Willow Flycatcher habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
- II. Between May 1 and September 1, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 db(a) hourly average at the edge of occupied southwestern willow flycatcher habitat. an analysis showing that noise generated by construction activities would not exceed 60 db(a) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
- III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 db(a) hourly average at the edge of habitat occupied by the Southwestern Willow Flycatcher. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 db(a) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 1).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If Southwestern Willow Flycatcher are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the city manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between May 1 and September 1 as follows:

- I. If this evidence indicates the potential is high for southwestern willow flycatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
- II. If this evidence concludes that no impacts to this species are anticipated, no additional mitigation measures are necessary.

RAPTORS

1. If there is a potential for indirect noise impacts to nesting raptors, prior to construction within the development area during the raptor breeding season (February 1 through September 15) the biologist shall conduct a preconstruction survey to determine the presence of active raptor nests. If active nests are detected, the biologist in consultation with EAS staff shall establish a species appropriate noise buffer zone. No construction shall occur within this zone.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the

search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.

3. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of

final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

5. Approval of PME and Construction Schedule

After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME and as authorized by the CM that could result in impacts to formations with high and/or moderate resource sensitivity at depths of 10 feet or greater and as authorized by the construction manager.. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1) Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night Work

- A. If night work is included in the contract
 1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall record the information on the CSV and submit to MMC via the RE via fax by 9am the following morning, if possible.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

C. Curation of artifacts: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL RESOURCES (ARCHAEOLOGY)**Prior to Permit Issuance or Bid Opening/Bid Award****A. Land Development Review (LDR) Plan Check**

Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

- a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

- c. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1) Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting

- a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
2. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
4. The PI shall coordinate with the MLD for additional consultation.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

D. If Human Remains are **NOT** Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

Night Work

A. If night work is included in the contract

1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night work, The PI shall

record the information on the CSV and submit to MMC via the RE by fax by 9am the following morning, if possible.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

Federal Government

United States Fish and Wildlife Service (23)

Army Corps of Engineers (26)

State of California

California Department of Fish and Game, Don Chadwick (32)

California Department of Parks and Recreation (40)

Regional Water Quality Control Board (44)

State Clearinghouse (46)

City of San Diego:

Council District 1, Peters

Development Services Department

Planning

Landscape

EAS

Engineering and Capital Projects Department

Water and Sewer Design Division

Planning Department

MSCP

Long-Range Planning

Branch Library (MS 17)

Historical Resources Board (87)

Wetlands Advisory Board (171)

Park and Recreation Department

Other

Environmental Law Society (164)

Sierra Club (165A)

San Diego Audubon Society (167)

California Native Plant Society (170)

Center for Biological Diversity (176)

Citizens Coordinate for Century III (179)

Endangered Habitats League (182)

Dr. Jerry Schafer (209)

South Coastal Information Center (210)

San Diego Archaeological Society (212)

San Diego Natural History Museum (213)

Save Our Heritage Organization (214)

Ron Christman (215)

Louis Guassac (215A)

San Diego County Archaeological Society (218)

Kumeyaay Cultural Repatriation Committee (225)

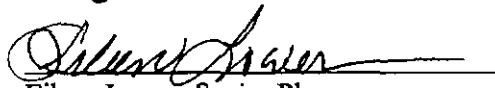
Native American Distribution (Public Notice Only) (225A-R)

Rancho Penasquitos Community Council (378)
Torrey Pines Association (379)
Rancho Penasquitos Planning Board (380)
Gary Akin (381)
Friends of Los Penasquitos Canyon Preserve (382)
Rancho Penasquitos Town Council (383)
Los Penasquitos Lagoon Foundation (385)
Friends of Rose Canyon (386)

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study materials are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.


Eileen Lower, Senior Planner
Development Services Department

September 15, 2006
Date of Draft Report

November 27, 2006
Date of Final Report

Analyst: SHEARER-NGUYEN



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

October 19, 2006

Elizabeth Shearer-Nguyen
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Penasquitos Views Sewer Replacement and Abandonment
SCH#: 2006091103

Dear Elizabeth Shearer-Nguyen:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 18, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95818-3044
TEL (916) 445-0613 FAX (916) 823-8018 www.opr.ca.gov

Responses to comment letter received from the State of California Governor's Office of Planning and Research,
State Clearinghouse and Planning Unit for the Penasquitos Views Sewer Replacement and Abandonment
Project, No. 6624

1. Comment noted.

000259

Document Details Report
State Clearinghouse Data Base

SCH# 2006091103
Project Title Penasquitos Views Sewer Replacement and Abandonment
Lead Agency San Diego, City of

Response to comment letter received from the State of California Governor's Office of Planning and Research,
State Clearinghouse and Planning Unit for the Penasquitos Views Sewer Replacement and Abandonment
Project, No. 6624

000260

Type MN Mitigated Negative Declaration
Description D
Site Development Permit and Right of Entry Permit to allow the construction of approximately 146 linear feet of a 12-inch diameter sewer line and 1,344 linear feet of an 18-inch diameter sewer line within an existing set-aside in City of San Diego-owned open space. The project would also involve the abandonment of approximately 5,785 linear feet of 12-inch and 15-inch sewer line and associated manholes. The scope of work also includes associated improvements such as laterals, manholes, and related improvements. Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, Canyonside Community Park, and Los Penasquitos Canyon Preserve, all within the Rancho Penasquitos Community Planning area of the City and County of San Diego.

Lead Agency Contact

Name Elizabeth Shearer-Nguyen
Agency City of San Diego
Phone (619) 446-5369 Fax
email
Address 1222 First Avenue, MS-501
City San Diego State CA Zip 92101

Project Location

County San Diego
City San Diego
Region
Cross Streets La Tortola / Paseo Montre and Black Mountain Road
Parcel No.
Township Range Section Base

Proximity to:

Highways 56, I-15
Airports
Railways
Waterways Los Penasquitos Canyon Creek, Diego Aqueduct
Schools
Land Use

Project Issues Archaeologic-Historic; Landuse; Other Issues; Vegetation; Water Quality; Wetland/Riparian

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 9; Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Office of Historic Preservation; Department of Health Services; Department of Fish and Game, Region 5; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Department of Toxic Substances Control; State Water Resources Control Board, Clean Water Program

Date Received 09/19/2006 Start of Review 08/16/2006 End of Review 10/16/2006

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Note: Blanks in data fields result from insufficient information provided by lead agency.

NATIVE AMERICAN HERITAGE COMMISSION

916 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 883-6281
Fax (916) 887-6380
Web Site www.nahc.ca.gov
e-mail: da_nahc@pacbell.net



September 25, 2006

E. Shearer-Nguyen
City of San Diego
1222 First Avenue, M8501
San Diego, CA 92101

Re: SCH#2006091103: CEQA Draft Mitigated Negative Declaration for Project No. 6624: Penasquitos Views Sewer Replacement and Abandonment Project, San Diego County, California

Dear E. Shearer-Nguyen:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a "significant effect" requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c)). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of potential effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). The record search will determine:
 - If a part or the entire (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact, particularly the contacts of the on the list.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the

2. As described in the Historical Resources discussion within the Initial Study for the Penasquitos Views Sewer Replacement and Abandonment Project, an archaeological survey, record search and report were prepared by ASM Affiliates (October 21, 2004) and the report recommended monitoring during project implementation. In addition, because the records search was conducted more than three years ago, staff requested an updated site specific record search which was conducted by Recon and a letter report submitted (June 21, 2006). The monitoring requirements have been incorporated within the Mitigation Monitoring and Monitoring Program (MMRP) for this project to preclude impacts to unique and/or significant archaeological resources. The archaeological monitoring program includes specific language that has been developed in conjunction with archaeological professionals to address the issues raised in this letter.

000261

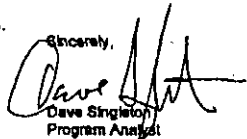
NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items.

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free to contact me at (916) 853-8251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse
Attachment: List of Native American Contacts

Responses to comment letter received from the Native American Heritage Commission for the
Penasquitos Views Sewer Replacement and Abandonment Project, No. 6634

000262

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San Diego County Archaeological Society, Inc.

Environmental Review Committee

28 September 2006

To: Ms. Elizabeth Shearer-Nguyen
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Penasquitos Views Sewer Replacement and Abandonment
Project No. 6624

Dear Ms. Shearer-Nguyen:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study, and the cultural resources inventory prepared by Tierra Environmental Services and the letter report from RECON, we agree with the impact analysis and mitigation measures as defined in the DMND.

Thank you for providing this project's environmental documents to SDCAS for our review and comment.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Tierra Environmental Services
RECON
SDCAS President
File

3. Comment noted.

000265

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
PTS No. 6624
SCH No. 2006091103

SUBJECT: PENASQUITOS VIEWS SEWER REPLACEMENT AND ABANDONMENT: SITE DEVELOPMENT PERMIT and RIGHT OF ENTRY PERMIT to allow the construction of approximately 146 linear feet of a 12-inch diameter sewer line and 1,344 linear feet of an 18-inch diameter sewer line within an existing set-aside in City of San Diego-owned open space. The project would also involve the abandonment of approximately 5,765 linear feet of 12-inch and 15-inch sewer line and associated manholes. The scope of work also includes associated improvements such as laterals, manholes, and related improvements. Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, Canyonside Community Park, and Los Penasquitos Canyon Preserve, all within the Rancho Penasquitos Community Planning area of the City and County of San Diego. Applicant: City of San Diego, Engineering and Capital Projects Department, Water and Sewer Design Division.

UPDATE: January 3, 2006. Subsequent to the distribution of the draft Mitigated Negative Declaration the document was revised to provide clarification of the project features, with respect to usage of native plants in areas of the sewer manhole abandonment. The revisions do not affect the environmental analysis or conclusions of this document. All revisions are shown in a ~~strikethrough~~ and/or underline format.

I. PURPOSE AND MAIN FEATURES:

The proposed Site Development Permit and Right of Entry Permit to be considered would allow the construction of approximately 146 linear feet of a 12-inch diameter sewer line and 1,344 linear feet of an 18-inch diameter sewer line within an existing set-aside in City of San Diego-owned open space. The project would also involve the abandonment of approximately 5,765 linear feet of 12-inch and 15-inch sewer line in addition to associated manholes. The scope of work also includes associated improvements such as laterals, manholes, and related improvements. Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, Canyonside Community Park, and Los Penasquitos Canyon Preserve.

The pipeline and associated manholes to be abandoned would be accessed via an existing parallel dirt road approximately twelve feet in width. Abandonment of manholes would occur within a maximum 20-foot radius (of each manhole) and would involve the removal of the manhole cone, filling the opening with sand and then grounding the lid to the remaining manhole. Also, where

sewer manholes are to be abandoned, these areas would be revegetated with native vegetation. Where manhole abandonment would occur within the hiking trail areas, the project would be revegetated with low-growing seed mix.

The proposed new sewer line would follow an alignment proceeding southwest along La Tortola Street onto an existing dirt road. From this road, the pipeline would veer southwest for approximately 375 linear feet and then turn southwestward again, crossing Los Penasquitos Creek. The dam and pump water method would be implemented for constructing that portion of the alignment that crosses Los Penasquitos Creek. The dam would divert the flow of water for a maximum length of 35 feet. A filtered intake hose would be placed immediately upstream of the dam and would be connected to a pump located at the bank of the creek. Water from the creek would reach the pump via the intake hose and be conveyed within a discharge line along the bank of the creek. The discharge line would be located on the creek bed no more than 35 feet downstream from the dam, at which point the water would be allowed to flow back into the creek. During construction of the new sewer line, a 25-foot wide temporary construction corridor would be required and upon completion of the project, the corridor would be revegetated and reduced to an eight-foot-wide permanent access path to the proposed pipeline.

Construction methods for sewer pipe replacement include cut and cover and tunneling. Construction equipment required for the project includes a trackhoe, front-end loader, dump trucks, and flat-bed delivery trucks. Staging areas for the project have been proposed in the eastern portion of the project site and outside of sensitive habitat areas. Any staging areas that would be located within the Los Penasquitos Canyon preserve would require prior approval and coordination with staff from Park and Recreation Department Open Space Division. For those portions of the alignment in the public streets, the road would be restored to original conditions after construction.

The project is would be implemented in accordance with the adopted City Council Policies 400-13 and 400-14, and the certified Program Environmental Impact Report (PEIR) for the Canyon Sewer Cleaning Program and Long-Term Sewer Maintenance Program. Council Policy 400-13 identifies the need to provide maintenance access to all existing sewer lines in order to reduce the potential for sewer spills. Council Policy 400-14 includes a general goal of redirecting sewage flow through evaluation of cost benefit analyses out of canyons and other environmentally sensitive lands and into streets or other accessible locations.

A redirection of flow analysis conducted pursuant to Council Policy 400-14 was conducted by Engineering and Capital Projects (ECP) and it determined that the cost of relocating the sewer line out of the canyon and open space was economically infeasible. The life cycle cost of redirecting the flow is greater than 35% more than the life cycle cost of leaving the sewer infrastructure in place and as such redirection is considered cost prohibitive. Access to the trunk sewer and remaining side mains within the canyon area would be maintained and improved to provide adequate long-term maintenance and emergency access.

II. ENVIRONMENTAL SETTING:

The Penasquitos View Trunk Sewer project is located within the Rancho Penasquitos Community Planning area of the City of San Diego (Figure 1). Elevation on the project site ranges from

approximately 260 to 320 feet above mean sea level (MSL). The project alignment is situated in Penasquitos Canyon between La Tortola Street and Black Mountain Road (Figure 2).

The project proposes to abandon the existing Los Penasquitos Views Trunk Sewer from Black Mountain Road in the west to La Tortola Street in the east. The existing pipeline would be replaced in a new alignment through Penasquitos Canyon from La Tortola Street in the north to the existing Penasquitos Trunk Sewer parallel to Mercy Road.

Penasquitos Canyon can be described as wide with moderately steep walls vegetated with native and non-native species. In addition, four drainages flowing southeastward occur on the northern slope. Los Penasquitos Creek occurs within the project alignment and ranges from between approximately five to twenty feet in width and one to three feet in depth. Los Penasquitos Creek supports both native and exotic vegetation. The portion of proposed new pipeline alignment in Penasquitos Canyon is dominated by disturbed Diegan coastal sage scrub, southern willow scrub, and ruderal vegetation. The original Penasquitos Views Trunk Sewer proposed for abandonment follows an existing trail through Penasquitos Canyon and is overlain by disturbed Diegan coastal sage scrub in the west, disturbed valley needlegrass and non-native grassland in the central portion of the alignment. The western portion of the alignment is overlain by Diegan coastal sage scrub, disturbed Diegan coastal sage scrub, and disturbed habitat. In addition, in the west the pipeline transects an existing developed park and non-native grassland. Penasquitos canyon is wide and moderately steep.

The canyon is surrounded by urban development. Three dirt roads ranging from six to twelve feet in width occur within the project alignment. Two of the roads extend across the canyon walls parallel to the Los Penasquitos Creek, one on the northern slope and the other on the southern slope. Both of these roads were constructed to provide access to the existing trunk sewer and would be utilized to perform the abandonment portion of this project.

The third dirt road runs northeast to southwest, beginning at La Tortola Street and ends at Mercy Road. The project corridor is located within and adjacent to the Multi-Habitat Planning Area (MHPA). The majority of the alignment is located on public lands owned by the City of San Diego. Small portions of the alignment occur on private land on the periphery of the project area near existing residential development.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

The project files and reports referred to below are available for public review on the Fifth Floor of the Development Services Department, Land Development Review Division, 1222 First Avenue, San Diego, CA 92101.

During the environmental review of the project, it was determined that construction could potentially result in significant but mitigable impacts in the following area(s).

BIOLOGICAL RESOURCES

A biological resources survey report was prepared by Tierra Environmental Services (March 14, 2006) to assess the significant impacts of the project on sensitive biological resources. Biological field surveys conducted included vegetation mapping, sensitive plant species assessment, a general wildlife survey, gnatcatcher protocol surveys, and narrow endemic plant surveys.

As previously described within the Environmental Setting, the project alignment is located within Penasquitos Canyon, between Black Mountain Road to the west, La Tortola Street to the east, and Mercy Road to the south.

Nine vegetation communities were identified within the project area. Sensitive wetland habitats that occur onsite include southern coast live oak riparian forest, southern sycamore-alder riparian woodland, southern willow scrub, mule-fat scrub, and coast freshwater marsh. Sensitive upland habitats include disturbed valley needlegrass grassland (Tier I), Diegan coastal sage scrub (Tier II), disturbed Diegan coastal sage scrub (Tier II), and non-native grassland (Tier IIIB). In addition, ornamental, ruderal, and disturbed areas were also observed onsite.

Thirty-six species of wildlife were detected including one amphibian, two reptile, thirty bird, and three mammal species. Bird species observed onsite included red-tailed hawk (*Buteo jamaicensis*), ashthroated flycatcher (*Myiarchus tuberculifer*), phainopepla (*Phainopepla nitens*), and cedar waxwing (*Bombycilla cedrorum*). Mammal species occurring on-site included California ground squirrel (*Spermophilus beecheyi*), coyote (*Canis latrans*), and desert woodrat (*Neotoma lepida*). The presence of indicators, such as scat and nests, were used to determine the presence of coyote and woodrat. Reptiles observed included western fence lizard (*Sceloporus occidentalis*), and side-blotched lizard (*Uta stansburiana*). California tree frog (*Hyla cadaverina*), an amphibian, was detected aurally.

Focused surveys to determine the presence/absence of the California gnatcatcher were conducted in October 2002. These surveys were done per USFWS approved protocol. During the survey two pairs of California gnatcatcher were detected within the survey area. Both pairs were detected within Diegan coastal sage scrub along the south facing slope of the canyon. In addition, during the surveys, a Southern California rufous-crowned sparrow (California Department of Fish and Game Species of Special Concern) was detected.

Sensitive habitats are vegetation communities that support sensitive plant or animal species, or unique vegetation communities considered rare within the region. Several sensitive habitat types occur within the project area.

Disturbed valley needlegrass grassland occurs mixed within the Diegan coastal sage scrub habitat and along the margins of Los Penasquitos Creek. Native grassland is considered Tier I, rare uplands, within the City's MSCP Subarea Plan.

Diegan coastal sage scrub is considered a sensitive upland habitat type because of its depleted nature and the large number of sensitive plant and wildlife species it supports. Diegan coastal sage scrub (undisturbed and disturbed) is considered Tier II, uncommon uplands, within the City's MSCP Subarea Plan.

Non-native annual grassland is classified as a Tier IIIB, common uplands according to the City's Subarea Plan.

Wetland habitats including southern coast live oak riparian forest, southern sycamore-alder riparian woodland, southern willow scrub, mule-fat scrub, and coastal freshwater marsh are considered sensitive for their high wildlife value and their naturally limited distribution.

A wetland delineation was conducted in the project area per the ACOE Wetland Delineation Manual (ACOE 1987). Wetland impacts were assessed based on three parameters: the prevalence of hydrophytic vegetation; the presence of hydric soils; and the presence of wetland hydrology. Observation points spanning the area where the pipeline may cross the creek were selected and data was recorded. All wetland impacts and mitigation are based on the findings of the wetland delineation.

Five sensitive plant species were observed onsite including, Nuttall's scrub oak, a CNPS list 1B species, California adolphia, San Diego marsh-elder, San Diego barrel cactus, all CNPS list 2 species, and Palmer's sagewort, a CNPS list 4 species.

The biology survey determined that the project area supports potentially appropriate habitat for several City of San Diego narrow endemics including San Diego thornmint, San Diego ambrosia, aphanisma, snake cholla, Otay tarplant, variegated dudleya, and San Diego button celery. Two focused surveys for sensitive plants were conducted in 2004. The focused surveys determined that no narrow endemic species occur on-site.

Direct project impacts would result with the implementation of the proposed pipeline abandonment/replacement/relocation project, and creation of permanent access paths and temporary construction corridor. All project upland and wetland impacts are mitigable. The project would result in impacts to Diegan coastal sage scrub (disturbed and undisturbed), non-native grassland, southern willow scrub, ornamental vegetation, ruderal land, and disturbed land. Table 1 is a summary of habitat impacts associated with the proposed sewer alignment and abandonment of the existing main. In addition, direct impacts to San Diego marsh elder and California adolphia are expected.

TABLE 1. SUMMARY OF IMPACTS

Habitat Type	Proposed Sewer Pipeline (in acres)		Abandonment of Existing Sewer Pipeline (in acres)		Total Acres
	Permanent Impacts	Temporary Impacts	Permanent Impacts	Temporary Impacts	
Diegan coastal sage scrub (in MHPA)	0.0	0.0	0.0	0.142	0.142
Diegan coastal sage scrub (outside MHPA)	0.0	0.014	0.0	0.0	0.014
Diegan coastal sage scrub Subtotal					0.156

Disturbed Diegan coastal sage scrub (in MHPA)	0.035	0.060	0.0	0.058	0.153
Disturbed Diegan coastal sage scrub (outside MHPA)	0.0	0.0	0.0	0.011	0.011
Disturbed Diegan coastal sage scrub Subtotal					0.164
Non-native grassland (in MHPA)	0.0	0.039	0.0	0.04	0.079
Non-native grassland (outside MHPA)	0.017	0.151	0.0	0.0	0.168
Non-native grassland Subtotal					0.247
Southern willow scrub	0.012	0.09	0.0	0.0	0.102
Ornamental	0.013	0.018	0.0	0.035	0.066
Ruderal	0.016	0.035	0.0	0.0	0.051
Disturbed	0.052	0.164	0.0	0.0	0.216
TOTAL	0.145	0.571	0.0	0.286	1.002

The project would impact 0.320 acre of Diegan coastal sage scrub of which 0.295 acre is inside the MHPA and 0.025 acre is outside of the MHPA. These impacts would be both permanent and temporary and associated with new pipe construction, access path creation, and pipeline abandonment construction activities. According to the City of San Diego Biological Review References (2002), impacts to Tier II (uncommon uplands), such as Diegan coastal sage scrub, that occur inside of the MHPA require mitigation at a ratio of 1:1 if mitigated inside the MHPA and 2:1 if mitigated outside of the MHPA. Impacts to Diegan coastal sage scrub that occur outside of the MHPA require a mitigation ratio of 1:1 if mitigated inside of the MHPA and 1.5:1 if mitigated outside of the MHPA.

The project would impact 0.247 acre of non-native grassland of which 0.079 acre is within the MHPA and 0.168 acre is outside of the MHPA. These impacts would be both permanent and temporary and associated with new pipe construction, access path creation, and pipeline abandonment construction activities. According to the City of San Diego Biological Review References (2002) Non-native (annual) grassland is considered a Tier III B (common uplands) which requires mitigation at a ratio of 1:1 if mitigated inside of the MHPA and 0.5:1 if mitigated outside of the MHPA. Impacts to non-native (annual) grasslands that occur outside of the MHPA require mitigation at 0.5:1 if within the MHPA and 1:1 if mitigated outside of the MHPA.

Approximately 0.216 acre of disturbed land would be impacted by the project. These impacts would be both permanent and temporary and associated with new pipe construction and access path creation construction activities. No mitigation is required for impacts to disturbed land - Tier IV habitat (other uplands).

Approximately 0.066 acre of ornamental planting and 0.051 acre of ruderal land would be impacted by the project. The City of San Diego Biology Guidelines does not require mitigation for effects to these types of vegetation.

Approximately 0.102 acre of southern willow scrub would be impacted by the project. These impacts would be both permanent and temporary and associated with new pipe construction, access path creation, and pipeline abandonment construction activities. Impacts to southern willow scrub habitat require mitigation at a ratio of 2:1 regardless of mitigation site location within or outside of the MHPA.

Potential effects to the threatened federal and state listed sensitive wildlife include the coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher.

Construction would be scheduled to avoid adverse noise effects during the gnatcatcher, least Bell's vireo, and southwestern willow flycatcher breeding seasons. Should construction occur within a breeding season of any of the aforementioned sensitive avian species, a biologist would be required to conduct protocol surveys to determine the presence and/or absence of these species prior to construction. If surveys are negative, no further mitigation would be required. If surveys are positive, mitigation in the form of temporary noise barriers and acoustical monitoring would be required. Additional measures, such as construction restrictions would be implemented to ensure that noise levels of occupied habitat in the MHPA do not exceed 60 dB(A) hourly average.

Avian species observed on-site are protected under the Migratory Bird Treaty Act (MNTA; Code Section 16 U.S.C. 703-712; Chapter 128; July 13, 1918; 40 Statute 755). This federal statute prohibits, unless permitted by regulations, the pursuit, hunting, taking, capture, killing, possession, sale, purchase, transport, or export of any migratory bird or any part, nest or egg of that bird. Project compliance with the MBTA would preclude any direct impacts. Noise impacts to nesting sensitive avian species would be avoided during the breeding season through a construction moratorium during the breeding season or preconstruction surveys and adherence to appropriate noise buffer zone restrictions.

Impacts to sensitive upland habitats within the MHPA would be mitigated onsite, inside of the MHPA. Mitigation at a ratio of 1:1 within the MHPA is required for impacts to Diegan coastal sage scrub occurring inside of the MHPA. The restoration of 0.772 acre of Diegan coastal sage scrub has been proposed for impacts to 0.295 acre of Diegan coastal sage scrub. The mitigation acreage proposed provides a supplemental 0.477 acre of mitigation in addition to the 0.295 acre required. In order to fulfill mitigation requirements for permanent impacts, Diegan coastal sage scrub areas that are highly disturbed would be restored to Diegan coastal sage scrub.

Mitigation at a 1.5:1 ratio is required for impacts to Diegan coastal sage scrub impacted and mitigated outside of the MHPA. Mitigation would occur at a 1:1 ratio within areas outside of the MHPA and be supplemented at a 0.5:1 ratio within areas inside of the MHPA in order to fulfill the 1.5:1 mitigation ratio. The restoration of 0.038 acre of Diegan coastal sage scrub has been proposed as mitigation for the impacts to 0.025 acre of Diegan coastal sage scrub outside of the MHPA. In order to fulfill mitigation requirements, areas of disturbed Diegan coastal sage scrub areas that are highly disturbed would be restored to Diegan coastal sage scrub.

Mitigation at a 1:1 ratio is required for impacts to non-native grassland occurring inside the MHPA. The restoration of 0.079 acre of valley needlegrass grassland is proposed for impacts to 0.079 acre of non-native grassland. Out-of-kind mitigation is proposed, since revegetation with non-native species is prohibited by the City Guidelines and out-of-kind mitigation for impacts to non-native grassland is allowed due to the higher Tier I category of the valley needlegrass grassland.

Mitigation at a 1:1 ratio is required for impacts to non-native grassland impacted and mitigated outside of the MHPA. The restoration of 0.168 acre of valley needlegrass grassland is proposed for impacts to 0.168 acre of non-native grassland outside the MHPA. Out-of-kind mitigation is proposed, since revegetation with non-native species is prohibited by the City Guidelines and out-of-kind mitigation for impacts to non-native grassland is allowed due to the higher Tier I category of the valley needlegrass grassland. In order to meet the mitigation requirements areas of mitigation occur both in areas of non-native grassland that would be impacted by the project and in areas where no impacts are proposed.

Impacts to 0.102 acre of southern willow scrub would require mitigation at a ratio of 2:1 for 0.204 acre. In order to avoid no net loss of functions and values, impacts to wetlands require mitigation in the form of creation at a minimum of 1:1. For this project, 0.192 acre of mitigation in the form of creation would be accomplished by creating southern willow scrub habitat off-site within the Metropolitan Wastewater Department's Los Penasquitos North Mitigation Site. The remaining mitigation requirement would be fulfilled through the enhancement of 0.012 acre of existing southern willow scrub on-site. The restoration of 0.09 acre onsite of temporarily impacted southern willow scrub would not count for mitigation credit due to the fact that it would overlay the new pipeline alignment. A total of 0.204 acre of mitigation and 0.09 acre of restoration are proposed.

TABLE 2. UPLAND MITIGATION RATIOS

Tier	Habitat Type	Location of Impact	Mitigation Ratios	
			Inside MHPA	Outside MHPA
Tier II (uncommon uplands)	Diegan coastal sage scrub	Inside	1:1	2:1
		Outside	1:1	1.5:1
Tier IIIB (common uplands)	Non-native grassland	Inside	1:1	1.5:1
		Outside	0.5:1	1:1
Tier IV (other uplands)	Ornamental Disturbed Ruderal	Inside	0:1	0:1
		Outside	0:1	0:1

TABLE 3. MITIGATION REQUIRED FOR PROPOSED PROJECT IMPACTS

Habitat Type	Impact acres	Mitigation Ratio	Required Mitigation (acres)	Proposed Mitigation (acres)
Diegan coastal sage scrub (inside MHPA)	0.295	1:1	0.295	0.772
Diegan coastal sage scrub (outside MHPA)	0.025	1.5:1	0.038	0.038
Non-native grassland (inside MHPA)	0.079	1:1	0.079	0.079*
Non-native grassland (outside MHPA)	0.168	1:1	0.168	0.168*
Southern Willow Scrub	0.102	2:1	0.204	0.204
Total	0.669	-	0.784	1.261

* Impacts to non-native grassland shall be mitigated through out-of-kind restoration with valley needlegrass grassland.

Project activities would result in temporary impacts to 0.066 acre of ornamental areas associated with Ridgewood Park. The City does not require mitigation for ornamental areas, however the project proposes to restore areas of the park temporarily impacted by construction to pre-existing conditions. Also, where sewer manholes are to be abandoned, these areas would be revegetated with native vegetation. Where manhole abandonment would occur within the hiking trail areas, the project would be revegetated with low-growing seed mix.

Impacts to California adolphia and San Diego marsh elder are anticipated. Securing comparable habitat at the required mitigation ratios would mitigate to below a level of significance for direct impacts to most sensitive plant species. In addition, the MMRP for this project would require that the City of San Diego Park and Recreation Department be notified and allowed the opportunity to salvage San Diego marsh elder and California adolphia individuals prior to the start of construction.

Erosion control features such as fiber rolls and silt fencing would be installed to temporarily control runoff from the permanent access path and work areas until seeded vegetation is established. An erosion control seed mix would be installed via hydroseed equipment over the unpaved permanent access paths created by the proposed project.

Based upon the proposal and required compliance with biological resources mitigation measures contained in Section V of the Mitigate Negative Declaration would mitigate potential significant direct biological resource impacts to a below a level of significance.

LAND USE (MULTIPLE SPECIES CONSERVATION PROGRAM)/BIOLOGICAL RESOURCES

Portions of the project alignment are located within and adjacent to the Multi-Habitat Planning Area (MHPA) of the City of San Diego MSCP Subarea. The proposed project would be required to comply with the MHPA Land Use Considerations, General Planning Policies and Design Guidelines (Section 1.4) and the Land Use Adjacency Guidelines (Section 1.4.3) of the City's

MSCP Subarea Plan. Since portions of the alignment are located within and adjacent to the MHPA, the project would be required to conform to the MSCP's Land Use Adjacency Guidelines. More specifically, all proposed lighting adjacent to the MHPA, as well as open space areas, would be required to be directed away from these areas, and shielded if necessary. Drainage must be directed away from the MHPA or open space, or must not drain directly into these areas. No staging/storage areas would be allowed to be located within or adjacent to sensitive biological areas and no equipment maintenance would be permitted. In addition, the limits of grading would be clearly demarcated by the biological monitor to ensure no impacts occur outside of the approved construction footprint.

Due to the site's proximity to upland habitat within and adjacent to the MHPA, indirect noise impacts related to construction must be avoided during the breeding season of the California gnatcatcher. In addition, due to the project's proximity to wetland habitat in the MHPA, indirect noise impacts related to construction must be avoided during the breeding season of the least Bell's vireo and the southwestern willow flycatcher (March 1 through August 15). Therefore a Mitigation Monitoring Reporting Program (MMRP), as detailed within Section V of the MND would be implemented to minimize indirect construction noise impacts to a below a level of significance. As a condition of the MMRP, if grading is proposed during the breeding season, a preconstruction protocol survey would be required in order to determine the absence and/or presence of the species. If the survey is negative, no further mitigation would be required. If the survey is positive, mitigation in the form of temporary noise barriers and acoustical monitoring would be required.

Consistency with the MHPA Land Use Adjacency Guidelines as outlined in Section V. of the Mitigate Negative Declaration would mitigate potential significant indirect land use impacts to a level below significance.

PALEONTOLOGICAL RESOURCES

According to the "Geology of the San Diego Metropolitan Area, California, La Mesa, 7^{1/2} Minute Quadrangle (Kennedy and Peterson, 1975), the project area is underlain by Santiago Peaks Volcanics, which has been assigned a moderate sensitivity rating to produce paleontological resources.

Slightly-to-moderately metamorphosed volcanic rocks occur in a discontinuous belt along the western edge of the Peninsular Ranges Province, from the Santa Ana Mountains of Orange and Riverside Counties, to well south of the International Border in Baja California, Mexico. In San Diego County, these rocks are referred to the Santiago Peak Volcanics, the type locality of which is in the Santa Ana Mountains. The Santiago Peak Volcanics are composed mainly of volcanic breccias, with a lesser amount of volcanic tuffs and flows. In some areas, slightly-to-moderately metamorphosed marine mudstones and sandstones appear to be interbedded with the volcanic rocks. Uranium-lead radiometric dates on the volcanic flow-rocks of the Santiago Peak Volcanics have yielded earliest Cretaceous ages, approximately 120-130 Ma. The Santiago Peaks Volcanics were altered during formation of the vast volumes of early Cretaceous plutonic rocks.

Trenching and excavations into undisturbed soils within areas underlain by the Santiago Peaks Volcanics is considered a potentially significant effect to paleontological resources and as such would require monitoring. Therefore, a Mitigation, Monitoring and Reporting Program as

detailed in Section V of the MND would be implemented. The program would require that a qualified Paleontologist or Paleontological Monitor be present during all excavations that exceed ten feet in depth and that could impact previously undisturbed formations with either a high and/or moderate level of sensitivity level. Should paleontological resources be discovered, a recovery and documentation program would be implemented. Monitoring would not be required along any portions of the alignment where the pipeline is being replaced in-place (same depth) or in those areas having a low sensitivity level for resources. With implementation of the Mitigation, Monitoring and Reporting Program, as outlined in Section V of the Mitigated Negative Declaration, impacts to paleontological resources would be reduced to below a level of significance.

HISTORICAL RESOURCES (ARCHAEOLOGY)

Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. Camp sites and villages have been recorded from Del Mar to Tijuana. Additionally, previously recorded archaeological sites have been identified within a one-mile radius of the project area. Based on this information, there is a potential that buried cultural resources could be impacted during excavation related to the sewer abandonment, upsizing and/or replacement work. In addition, several previously recorded historic and prehistoric sites have been identified in the project vicinity. A review by City staff of archaeological maps in the Land Development Review Resources Library indicated that archaeological resources have been identified in the vicinity of the proposed project site. Based on this information, there is a potential for buried cultural resources to be impacted through implementation of the project. Because of the potential for historical resources to be impacted with implementation of the project an archaeological survey was conducted and a letter report completed by Tierra Environmental Services (October 21, 2003). The archaeological report included archival records search for the proposed project alignment and immediate vicinity from the South Coastal Information Center (SCIC) at San Diego State University, and completion of a pedestrian field survey of the project alignment. The report is summarized below.

A majority of the project site is underlain by the Santiago Peak Volcanic Formation, which provided a regionally important resource for native American flaked stone tools, although the outcrops in the immediate area are of relatively poor quality for making tools. The Area of Potential Effect (APE) established for construction of the approximately 1,490 lineal feet of new sewer line is a 300-foot-wide corridor; whereas, a 200-foot-wide corridor has been established for the approximately 5,765 lineal feet of abandonment. The field examination included a survey of both APEs walking utilizing five to ten meter interval transects. Surface visibility was ninety percent and the survey of the project area adequately serviced to identify cultural resources.

The records search identified thirty-three cultural resources that had been previously recorded within a one-mile radius of the project alignment. Of these resources, only three cultural resources appeared to possibly be located within or immediately adjacent to the alignment. These sites include W-1507 (an isolated bedrock mortar); CA-SDI-5385 locus B (W-1519 Locus B: a flake scatter); and, CA-SDI-5028 (W-1519 Locus C, an isolated bedrock mortar).

The field investigation resulted in the identification of a new site, CA-SDI-16263, within the 200-foot-wide APE for the existing sewer line to be abandoned. Site CA-SDI-16263 consists of a single isolated grinding slick in the center of a large metavolcanic bedrock outcrop located south of the of the existing sewer line, in the creek bottom near Penasquitos Creek. The slick is highly worn, with the grinding very evident. No other features and no artifacts or other cultural constituents were present. The archaeologist ascertained that any artifacts or subsurface component that may have existed would have been washed away from periodic flooding of Penasquitos Creek. As such, site CA-SDI-16263 was evaluated as not being a significant resource and determined not eligible for listing in the California Register due to its not having an associated site within 50-meter radius and lacking a subsurface component.

Because the record search was conducted more than three years ago (October 31, 2003), Environmental Analysis Section (EAS) staff requested an update to the record search. In June 2006, a site specific records search (one-mile radius) was conducted by Recon and a letter report submitted (June 21, 2006) for the project which confirmed the results of the previous study. Therefore, based on the survey results and updated records search, no unique resources would be impacted with this activity as defined in Section 21083.2 of CEQA.

Although the survey and record search was conducted over three years ago, the Environmental Analysis Section is confident that with the data provided by the applicant's archaeological consultant combined with today's records search, the applicant has met the standards of Section III of the Historical Resource Guidelines.

No other cultural resources were identified within the 200- and 300-foot-wide APEs. As mentioned earlier in the discussion, three previously recorded resources were identified and have been relocated. In addition it was determined that they were outside the project's APEs. Although there is no evidence to suggest that the project would impact a unique archaeological resource, there is a potential for heritage resources to be present during construction activities. Therefore, an archaeological monitor would be present during grading and/or trenching activities in native soils. A monitor need not be present during grading in artificial fill and on manufactured slopes. Therefore, a Mitigation Monitoring and Reporting Program (MMRP) would be implemented as outlined within in Section V of the Mitigated Negative Declaration. With incorporation of the MMRP into the project, impacts to historical resources would be reduced to below a level of significance.

The following environmental issue(s) were considered during review of the project and determined to be not significant.

WATER QUALITY

Due to majority of the proposed facilities being located underground there would not be a permanent modification to area topography or to existing drainage patterns. However, all phases of the construction activities would increase the risk of storm water runoff, erosion, and associated sedimentation. This would potentially cause adverse impacts to occur on water quality due to storm water runoff. As such, the proposed project is required to comply with the Federal Clean Water Act (33 U.S.C. 1368), the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, as well as the City of San Diego Storm Water Standards. However, implementation of Best Management Practices (BMPs) pursuant to the City Storm Water and

Drainage Ordinance would prevent significant impacts to downstream water bodies from occurring. The Contract Specifications would require the preparation and implementation of construction Best Management Practices (BMP's), a Storm Water Pollution Prevention Plan (SWPPP), Water Pollution Control Plan (WPCP), and a Water Pollution Control site Management Plan (WPCSM). Furthermore, review and approval by the City Resident Engineer of the aforementioned water quality management plans would be achieved prior to the preconstruction meeting and before commencement of any construction activities. Therefore, BMPs would include both erosion control measures to prevent rainfall from contacting exposed soil surfaces, and sediment control measures to prevent eroded material from leaving the construction area. The construction manager/resident engineer and contractor would be responsible for the monitoring and maintenance of BMPs to ensure that they are working properly, until the construction area has been permanently stabilized. Compliance with the standards would preclude direct and cumulatively considerable hydrology/water quality impacts.

V. RECOMMENDATION:

On the basis of this initial evaluation:

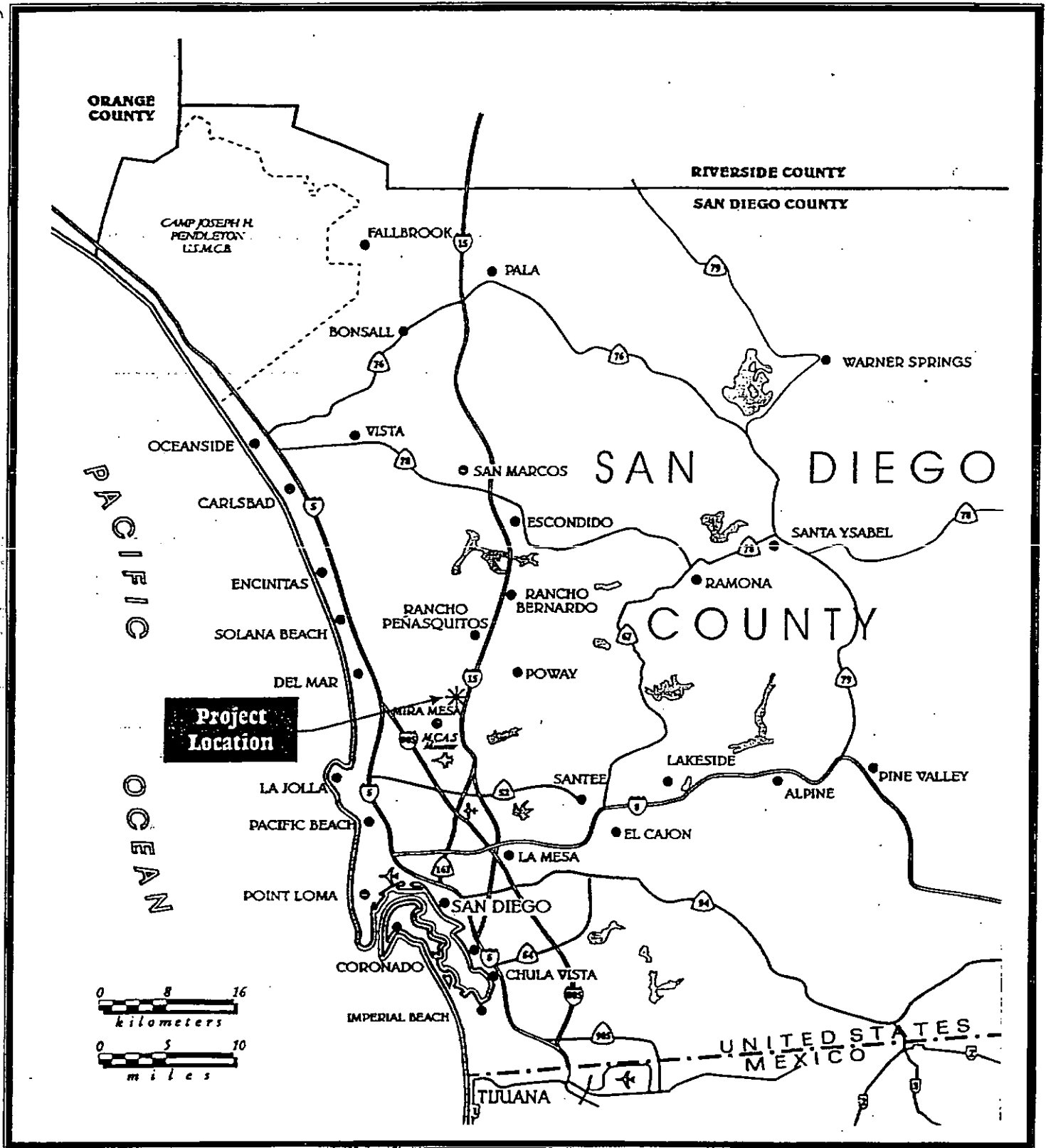
_____ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

 X Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

_____ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: SHEARER-NGUYEN

Attachments: Figure 1: Regional Location Map
 Figure 2: Project Location Map
 Figure 2: Alignment and Biological Resources Map
 Initial Study Checklist

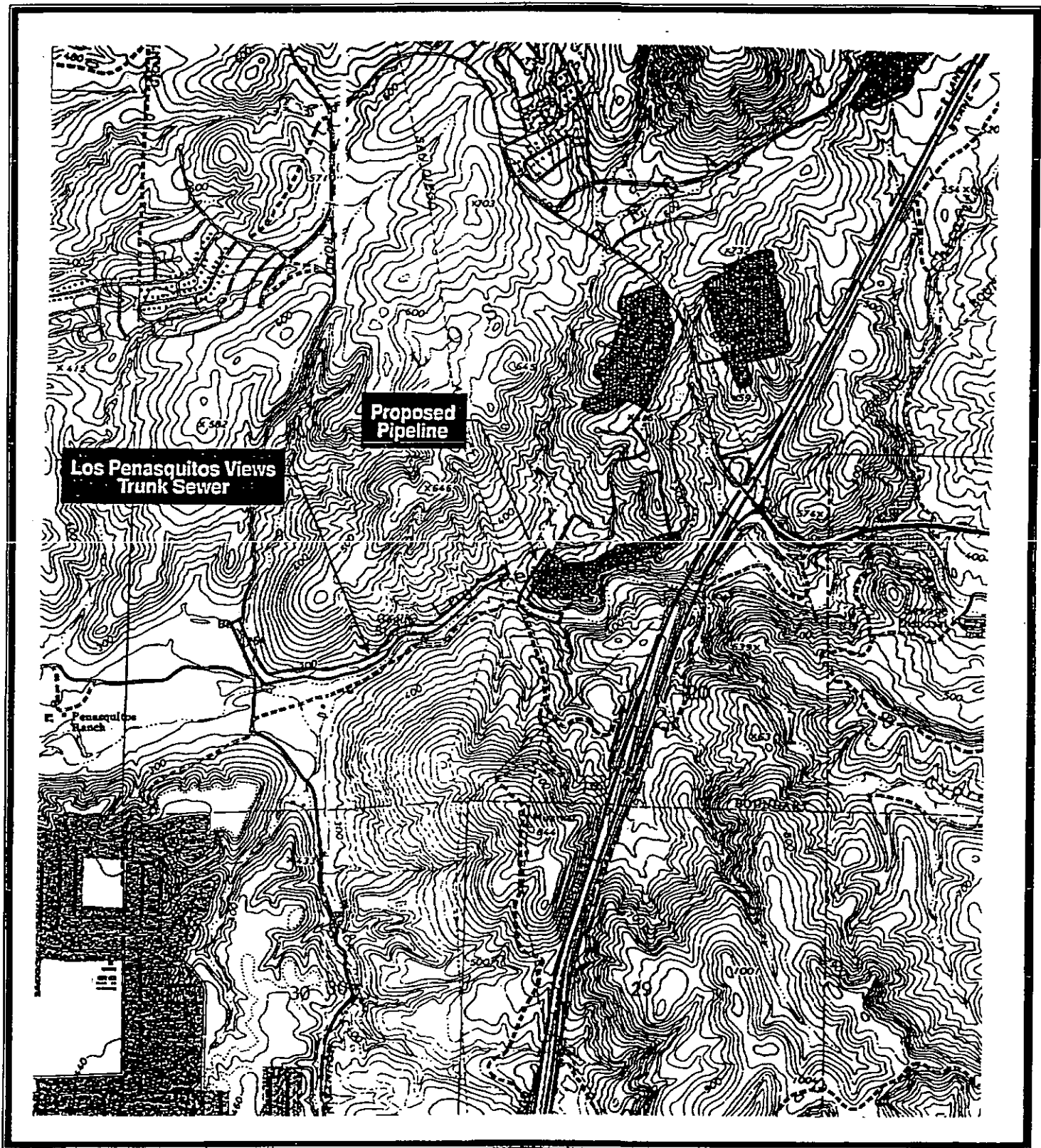


Regional Location Map

Environmental Analysis Section Project No. 6624
CITY OF SAN DIEGO • DEVELOPMENT SERVICES

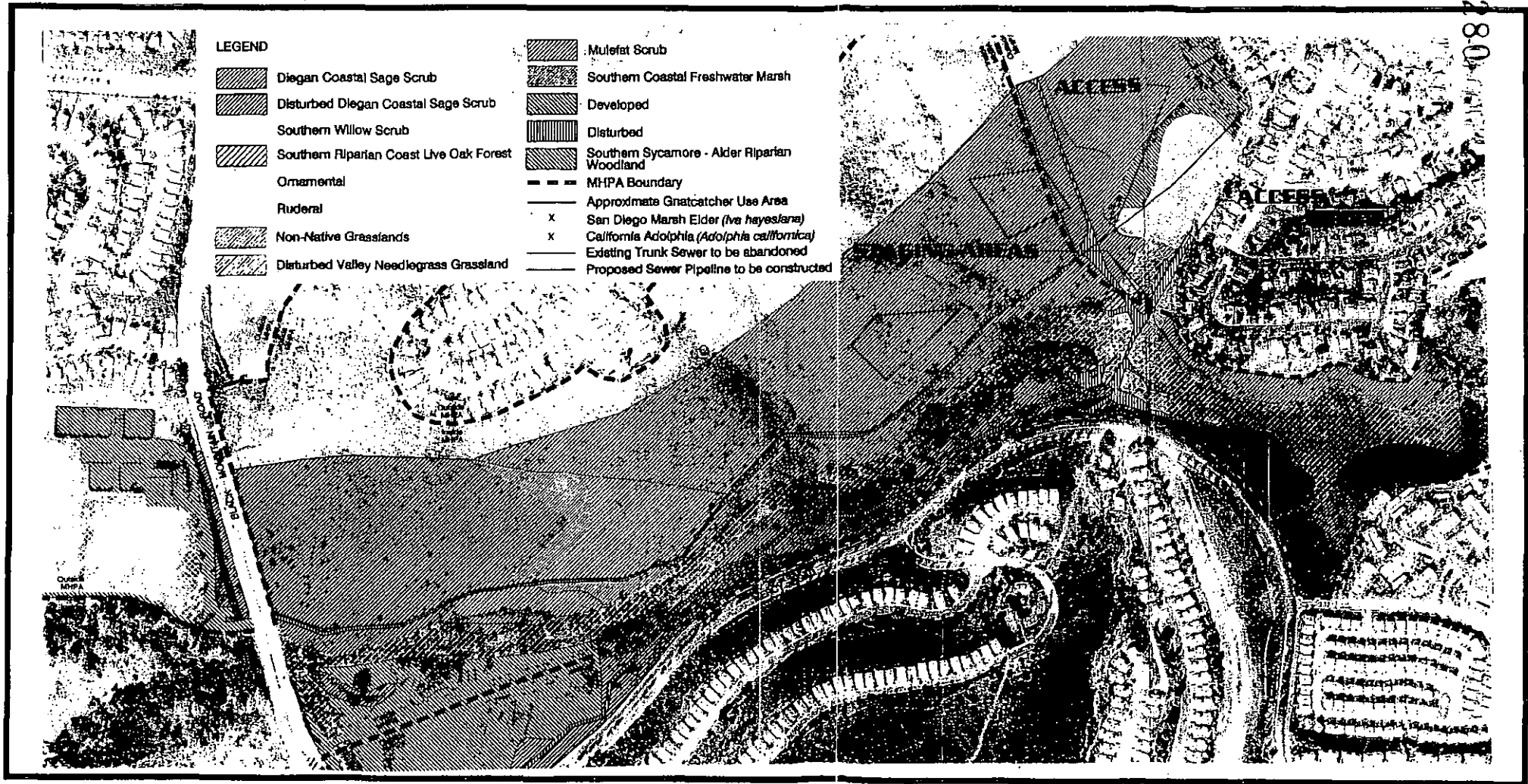
Figure

1



Project Location Map
 Environmental Analysis Section Project No. 6624
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure
2



Alignment and Biological Resources Map
 Environmental Analysis Section Project No. 6624
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Initial Study Checklist

Date: May 21, 2003

Project No.: 6624

Name of Project: PENASQUITOS VIEWS
SEWER REPLACEMENT AND
ABANDONMENT PROJECT

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- | | | | |
|--|---|---|----------|
| A. The obstruction of any vista or scenic view from a public viewing area?
<u>The project would not result in the obstruction of any public view or scenic vista. The project would be underground.</u> | — | — | <u>X</u> |
| B. The creation of a negative aesthetic site or project?
<u>Refer to I.A.</u> | — | — | <u>X</u> |
| C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?
<u>Refer to I.A.</u> | — | — | <u>X</u> |
| D. Substantial alteration to the existing character of the area?
<u>Refer to I.A.</u> | — | — | <u>X</u> |
| E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?
<u>No distinctive or landmark trees would be removed.</u> | — | — | <u>X</u> |

- F. Substantial change in topography or ground surface relief features?

— — X

The project would not permanently alter the existing topography or affect present ground surface relief features.

- G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent?

— — X

The project site would not affect any unique geologic or physical features.

- H. Substantial light or glare?

— — X

Refer to I.A.

- I. Substantial shading of other properties?

— — X

Refer to I.A.

II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:

- A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?

— — X

The project site is located within designated open space and surrounded by a developed urbanized neighborhood and is not located within land designated for mineral resources.

- B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

— — X

Agricultural land is not present within the proposed alignment or in the general site vicinity. Refer to II.A.

III. AIR QUALITY – Would the proposal:

- A. Conflict with or obstruct implementation of the applicable air quality plan?

— — X

The project would comply with construction standards which prevent conflict with or obstruction of any air quality plans.

- | | | | |
|--|---|---|----------|
| B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
<u>The project would not result in substantial air emissions. Refer to I.A.</u> | — | — | <u>X</u> |
| C. Expose sensitive receptors to substantial pollutant concentrations?
<u>Refer to III.B.</u> | — | — | <u>X</u> |
| D. Create objectionable odors affecting a substantial number of people?
<u>Potential odors from construction machinery would occur temporarily during construction only.</u> | — | — | <u>X</u> |
| E. Exceed 100 pounds per day of Particulate Matter 10 (dust)?
<u>Dust would be generated temporarily during construction only and would be controlled with standard construction practices. Refer to III.A.</u> | — | — | <u>X</u> |
| F. Alter air movement in the area of the project?
<u>No such impact would occur. Refer to III.A.</u> | — | — | <u>X</u> |
| G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally?
<u>The project consists of underground pipelines and would have no such impacts.</u> | — | — | <u>X</u> |

IV. BIOLOGY – Would the proposal result in:

- | | | | |
|---|---|----------|----------|
| A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals?
<u>The project is located within and adjacent to the MHPA and would result in impacts to sensitive upland and wetland habitats as well as sensitive wildlife. Refer to Initial Study Discussion.</u> | — | <u>X</u> | — |
| B. A substantial change in the diversity of any species of animals or plants?
<u>The project consists of underground pipelines, therefore such substantial change in diversity of species animals or plants would not occur. Refer to IV.A.</u> | — | — | <u>X</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Introduction of invasive species of plants into the area? <u>Project would be required to revegetate areas impacted by project implementation. Project would be conditioned to prohibit any invasive plants in the project area..</u>	—	—	<u>X</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>The project area is not part of a wildlife corridor. However, sensitive species surveys and monitoring would be required as necessary. Refer to IV.A.</u>	—	<u>X</u>	—
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>Refer to IV.A.</u>	—	<u>X</u>	—
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>Refer to IV.A.</u>	—	<u>X</u>	—
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan (MSCP) or other approved local, regional or state habitat conservation plan? <u>A portion of project site is located within and adjacent to the Multi-Habitat Planning Area (MHPA) and would be required to comply with the MSCP Land Use Adjacency Guidelines outlined within the MND. Refer to IV.A.</u>	—	<u>X</u>	—
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The proposed sewer pipe replacement project would not result in the use of excessive amounts of fuel, energy, or power.</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power?	—	—	<u>X</u>

Yes Maybe No

Refer to V.A.

VI. GEOLOGY/SOILS – Would the proposal:

- | | | | |
|---|---|---|----------|
| A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | — | — | <u>X</u> |
| <u>The project would abandon and replace a sewer line and utilization of generally accepted engineering techniques would prevent impacts from geologic hazards.</u> | | | |
| B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? | — | — | <u>X</u> |
| <u>Refer to VI-A.</u> | | | |
| C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | — | — | <u>X</u> |
| <u>Refer to VI-A.</u> | | | |

VII. HISTORICAL RESOURCES – Would the proposal result in:

- | | | | |
|---|---|----------|----------|
| A. Alteration of or the destruction of a prehistoric or historic archaeological site? | — | <u>X</u> | — |
| <u>The project is located in an area known to have a high potential for archaeological resources.</u> | | | |
| <u>Refer to Initial Study Discussion.</u> | | | |
| B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? | — | <u>X</u> | — |
| <u>Refer to VII. A.</u> | | | |
| C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? | — | <u>X</u> | — |
| <u>Although no above ground structures are present, there is a potential to encounter resources during grading and/or construction activities. Refer to VII.A and .B.</u> | | | |
| D. Any impact to existing religious or sacred uses within the potential impact area? | — | — | <u>X</u> |
| <u>No such uses occur onsite.</u> | | | |

	Yes	Maybe	No
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>Refer to VII.A.</u>	—	<u>X</u>	—
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:			
A. Create any known health hazard (excluding mental health)? <u>The project consists of underground pipelines and would have no such impacts. Should any contaminated material be encountered during trenching and/or excavation activities the applicant would be required to comply with the County of San Diego's hazardous materials regulations.</u>	—	—	<u>X</u>
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>The project consists of underground pipelines and would have no such impacts. Refer to VIII. A.</u>	—	—	<u>X</u>
C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>The project consists of underground pipelines and would have no such impacts. Refer to VIII. A.</u>	—	—	<u>X</u>
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>The project consists of underground pipelines and would have no such impacts. The project would not impair or interfere with any adopted emergency plans. Refer to VIII. A.</u>	—	—	<u>X</u>
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? <u>The project consists of underground pipelines. No portions of the alignment have been identified on a government list. Should any contaminated material be encountered during</u>	—	—	<u>X</u>

trenching and/or excavation activities the applicant would be required to comply with the County of San Diego's hazardous materials regulations.

- | | | | | |
|----|--|---|---|----------|
| F. | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
<u>Refer to VIII.A. Project involves the upgrading of sewer lines which would prevent sewage spills.</u> | — | — | <u>X</u> |
|----|--|---|---|----------|

IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:

- | | | | | |
|----|--|---|---|----------|
| A. | An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants.
<u>The project would be required to comply with all storm water quality standards during construction and appropriate Best Management Practices (BMPs) must be utilized.</u> | — | — | <u>X</u> |
| B. | An increase in impervious surfaces and associated increased runoff?
<u>Refer to IX.A.</u> | — | — | <u>X</u> |
| C. | Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes?
<u>Refer to IX.A. No increase would result.</u> | — | — | <u>X</u> |
| D. | Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)?
<u>The project is required to comply with the City's Storm Water Standards, which would preclude any impacts.</u> | — | — | <u>X</u> |
| E. | A potentially significant adverse impact on ground water quality?
<u>No such impact would occur. Refer to IX.A.</u> | — | — | <u>X</u> |

- F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?
Refer to IX.A above.

—	—	<u>X</u>
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X. LAND USE – Would the proposal result in:

- A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?
The project is consistent with the land use designation and applicable policies of the Rancho Penasquitos Community Plan.

—	—	<u>X</u>
---	---	----------

- B. A conflict with the goals, objectives and recommendations of the community plan in which it is located?
Refer to X.A.

—	—	<u>X</u>
---	---	----------

- C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area?
The project would not conflict with City's Multiple Species Conservation Plan (MSCP).

—	—	<u>X</u>
---	---	----------

- D. Physically divide an established community?
The project site is located in a developed urban community and surrounded by residential development. The project would not physically divide an established community.

—	—	<u>X</u>
---	---	----------

- E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan?
The project site is not located within the Airport Environs Overlay Zone or the Airport Approach Overlay Zone.

—	—	<u>X</u>
---	---	----------

XI. NOISE – Would the proposal result in:

- A. A significant increase in the existing ambient noise levels?

—	—	<u>X</u>
---	---	----------

The proposed project would operate within the City's allowable noise standards and would not cause a significant increase in ambient noise levels nor would the project cause a significant increase in ambient noise levels.

- B. Exposure of people to noise levels which exceed the City's adopted noise ordinance?

— — X

The proposed project is the replacement of sewer lines, which when installed would not expose people to noise levels which exceed the City's adopted noise standards. In addition, the contractor would be required to comply with construction noise standards.

- C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan?

— — X

Refer to XI.B.

- XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature?

— X —

The project site is underlain by Santiago Peak Volcanics which has a moderate sensitivity level for paleontological resources. Monitoring would be required as the project site may have significant paleontological resources. Refer to the Initial Study Discussion.

- XIII. POPULATION AND HOUSING – Would the proposal:

- A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

— — X

The sewer replacement project would not alter population demographics.

- B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

— — X

No such displacement would occur.

- | | | | | |
|--|---|---|---|----------|
| C. | Alter the planned location, distribution, density or growth rate of the population of an area?
<u>Refer to XIII.A. and B.</u> | — | — | <u>X</u> |
|
XIV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: | | | | |
| A. | Fire protection?
<u>Installation of sewer pipelines would not affect existing public services.</u> | — | — | <u>X</u> |
| B. | Police protection?
<u>Refer to XIV.A.</u> | — | — | <u>X</u> |
| C. | Schools?
<u>Refer to XIV.A.</u> | — | — | <u>X</u> |
| D. | Parks or other recreational facilities?
<u>Refer to XIV.A.</u> | — | — | <u>X</u> |
| E. | Maintenance of public facilities, including roads?
<u>Refer to XIV.A.</u> | — | — | <u>X</u> |
|
XV. RECREATIONAL RESOURCES – Would the proposal result in: | | | | |
| A. | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
<u>Although the project is within designated open space lands, it would not physically deteriorate any recreational resources.</u> | — | — | <u>X</u> |
| B. | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
<u>Refer to XV.A.</u> | — | — | <u>X</u> |
|
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in: | | | | |
| A. | Traffic generation in excess of specific/ community plan allocation?
<u>The project would not generate any additional traffic to the area.</u> | — | — | <u>X</u> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>Refer to XVI.A.</u>	—	—	<u>X</u>
C. An increased demand for off-site parking? <u>Refer to XIV.A.</u>	—	—	<u>X</u>
D. Effects on existing parking? <u>No such effects would occur.</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>Temporary construction routing would be required but would cause no significant effects. Refer to XIV.A.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>Refer to XIV.A.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>The project would comply with the City of San Diego Standard Drawings Manual of Traffic Control for Construction and Maintenance Work Zones.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>Refer to XVI.A.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>N/A.</u>	—	—	<u>X</u>
B. Communications systems? <u>Refer to XVII.A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Water? <u>Refer to XVII.A.</u>	—	—	<u>X</u>
D. Sewer? <u>The project is the abandonment and replacement of an existing sewer line.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>Refer to XVII A.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>Refer to XVII A.</u>	—	—	<u>X</u>

XVIII. WATER CONSERVATION – Would the proposal result in:

A. Use of excessive amounts of water? <u>The project would not require excessive amounts of water. No such impact would occur.</u>	—	—	<u>X</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>Project would comply with City's Landscape Standards.</u>	—	—	<u>X</u>

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? <u>No such impacts would be caused by the proposed project. Implementation of the mitigation measures identified in the document would reduce these impacts to below a level of significance.</u>	—	—	<u>X</u>
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the			

environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.)

The project would not result in an impact to long term environmental goals.

—	—	<u>X</u>
---	---	----------

- C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
The proposed project would not have a considerable incremental contribution to any cumulative impacts.

—	—	<u>X</u>
---	---	----------

- D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?
The proposed project would not be associated with such impacts. All impacts would be mitigated to below a level of significance which would not cause substantial effects on human beings.

—	—	<u>X</u>
---	---	----------

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

- ☒ City of San Diego Progress Guide and General Plan.
- ☒ Community Plan.
- ☐ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

- ☒ City of San Diego Progress Guide and General Plan.
- ☐ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
- ☐ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.
- ☐ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.
- ☐ Site Specific Report:

III. Air

- ☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.
- ☐ Regional Air Quality Strategies (RAQS) - APCD.
- ☐ Site Specific Report:

IV. Biology

- ☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- ☒ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.
- ☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

- ☐ Community Plan - Resource Element.
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- ☐ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- ☐ City of San Diego Land Development Code Biology Guidelines.

☒ Site Specific Report:

Biological Resources Report for the Los Penasquitos Views Trunk Sewer Replacement Project, City of San Diego, California, prepared by Tierra Environmental Services, dated March 14, 2006.

V. Energy

- ☐ Site Specific Report:

VI. Geology/Soils

- ☒ City of San Diego Seismic Safety Study.
- ☒ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

- ☐ Site Specific Report:

VII. Historical Resources

- ☒ City of San Diego Historical Resources Guidelines.
- ☒ City of San Diego Archaeology Library.
- ☐ Historical Resources Board List.
- ☐ Community Historical Survey:

- ☒ Site Specific Report:

Results of Record Search for Penasquitos Trunk Sewer No. 88, (recon Number 4334A), prepared by Tierra Environmental Services, dated June 21, 2006.

Cultural Resources Inventory for the Proposed Los Penasquitos Views Trunk Sewer Replacement Project, City of San Diego, California, prepared by Tierra Environmental Services, dated October 21, 2003.

VIII. Human Health / Public Safety / Hazardous Materials

- ☒ San Diego County Hazardous Materials Environmental Assessment Listing, 2004.
- ☒ San Diego County Hazardous Materials Management Division
- ☐ FAA Determination
- ☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- ☒ Airport Comprehensive Land Use Plan.
- ☐ Site Specific Report:

IX. Hydrology/Water Quality

- ☐ Flood Insurance Rate Map (FIRM).
- ☒ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- ☒ Clean Water Act Section 303(b) list, dated July 2002, http://www.swrcb.ca.gov/tmdl/303d_lists.html.
- ☐ Site Specific Report:

X. Land Use

- ☒ City of San Diego Progress Guide and General Plan.
- ☒ Community Plan.
- ☒ Airport Comprehensive Land Use Plan

X City of San Diego Zoning Maps

— FAA Determination

XI. Noise**X** Community Plan

— San Diego International Airport - Lindbergh Field CNEL Maps.

— Brown Field Airport Master Plan CNEL Maps.

— Montgomery Field CNEL Maps.

— San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

— San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

— City of San Diego Progress Guide and General Plan.

— Site Specific Report:

XII. Paleontological Resources**X** City of San Diego Paleontological Guidelines.**X** Demere, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.**X** Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

— Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

— Site Specific Report:

XIII. Population / Housing

— City of San Diego Progress Guide and General Plan.

— Community Plan.

— Series 8 Population Forecasts, SANDAG.

— Other:

XIV. Public Services

X City of San Diego Progress Guide and General Plan.

X Community Plan.

XV. Recreational Resources

X City of San Diego Progress Guide and General Plan.

X Community Plan.

— Department of Park and Recreation

— City of San Diego - San Diego Regional Bicycling Map

— Additional Resources:

XVI. Transportation / Circulation

— City of San Diego Progress Guide and General Plan.

X Community Plan.

X San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

— San Diego Region Weekday Traffic Volumes, SANDAG.

— Site Specific Report:

XVII. Utilities

— _____

XVIII. Water Conservation

000299

— Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

000301

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

DATE:

May 29, 2008

100
07/29

EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

SUBJECT: Advertise and Award of Penasquitos Views Trunk Sewer

GENERAL CONTRACTOR INFORMATION

Recommended Contractor: Unidentified at this time

Amount of this Action: \$1,968,715.86

Funding Source: City

Goals: 11% Mandatory
4% Disadvantaged Business Enterprise Advisory Goal,
1% Disabled Veteran Business Enterprise Advisory Goal,
6% Other Business Enterprise Advisory Goals

SUBCONTRACTOR PARTICIPATION

There are no subcontractors identified at this time.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity: Required

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

ADDITIONAL COMMENTS

This action will authorize the approval and specifications and to advertise and award for the construction of the Penasquitos Views Trunk Sewer project.


JLR

000303 REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO				1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) N/A 100 07/29			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): ENGINEERING & CAPITAL PROJECTS		3. DATE: May 5, 2008			
4. SUBJECT: <p style="text-align: center;">Advertise and Award Penasquitos Views Trunk Sewer</p>							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) M. Gibson (619) 533-5213 MS 908A		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Carl Spier (619) 533-5126 MS 908A		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	41506			9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.	7731			Sewer Fund 41506			
ORGANIZATION	960			Engineering	\$ 869,867.00		
OBJECT ACCOUNT	4279			Construction	\$1,353,000.00		
JOB ORDER	177160			Contingency	\$100,000.00		
C.I.P. NUMBER	46-194.0/46-196.7			Sub-Total :	\$2,322,867.00		
AMOUNT	\$1,968,715.86			Less Prev. Auth.	\$354,151.14		
				Total Request:	\$1,968,715.86		
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPT. DIRECTOR	<i>[Signature]</i>	5/21/08	9	C.O.O.	<i>[Signature]</i>	7/8/08
2	MWWD			10	CITY ATTORNEY	<i>[Signature]</i>	7/14/08
3	E.A.S.	APPROVAL SIGNATURES ON FILE		11	ORIG. DEPT.	<i>[Signature]</i>	7/15/08
4	EOCP						
5	DOCKET LIAISON	<i>[Signature]</i>	5/28/08				
6	FM-CIP/DEBT MGT.	<i>[Signature]</i>	6/30/08				
7	COMPTROLLER	<i>[Signature]</i>	7/2/08				
8	DEPUTY CHIEF	<i>[Signature]</i>	7/7/08				
				DOCKET COORD: _____ COUNCIL LIAISON <i>[Signature]</i> 7/16/08 COUNCIL PRESIDENT <i>[Signature]</i> <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 7/29/08			
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Approving the Plans and Specifications for the construction of Penasquitos Views Trunk Sewer as advertised by Purchasing and Contracting Department; and							
11A. STAFF RECOMMENDATIONS: <p style="text-align: center;">Adopt the Resolutions.</p>							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) COUNCIL DISTRICT(S): 1 (Peters), 5 (Maienschein) COMMUNITY AREA(S): Rancho Penasquitos, Mira Mesa ENVIRONMENTAL IMPACT: The City of San Diego as lead agency under CEQA has prepared and completed a Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program covering this activity, Project No. 6624 dated November 27, 2006 and approved by Council on June 4, 2007, R-302676. HOUSING IMPACT: None ATTACHMENTS: Plans, Specifications, Project Cost Estimate, Location Map, R-296105 and R-302676 CITY CLERK INSTRUCTIONS: Upon Council approval, please forward two (2) copies of the 1472 and Resolution to Joanne Ferrer at Projects Implementation and Technical Services, M.S. 908A							

SECTION 11 – PREPARATION OF: RESOLUTIONS, ORDINANCES, ETC. (CONTINUED):

2. Authorizing in the following manner the expenditure of \$1,968,715.86 from CIP 46-194.0, Annual Allocation – Trunk Sewer Rehabilitations, Fund 41506, Sewer, for the purpose of providing funds for this project's construction and related costs, contingent upon the City Comptroller furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer:
 - a) \$333,000 – Current Appropriations; and
 - b) \$1,635,715.86 from Fiscal Year 2009 appropriations contingent on City Council approval of funds for this purpose in the Fiscal Year 2009 CIP Budget; and
3. Authorizing the Mayor, or his designee, to execute a construction contract with the lowest responsible and reliable bidder contingent upon the City Comptroller furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and
4. Authorizing the City Comptroller, upon the advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves.

000305

REPORT TO THE CITY COUNCIL EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: May 5, 2008 REPORT NO.
 ATTENTION: Council President and City Council
 ORIGINAL DEPT.: Engineering and Capital Projects, Right-of-Way Design Division
 SUBJECT: Advertise and Award of Penasquitos Views Trunk Sewer
 COUNCIL DISTRICTS: 1 (Peters), 5 (Maienschein)
 STAFF CONTACTS: M. Gibson (619) 533-5213 / Carl Spier (619) 533-5126

REQUESTED ACTION:

Council authorization is requested to advertise and award a construction contract for Penasquitos Views Trunk Sewer.

STAFF RECOMMENDATIONS:

Adopt the resolutions.

EXECUTIVE SUMMARY:

Penasquitos Views Trunk Sewer is part of the City of San Diego's Sewer Main Replacement Program as mandated by the Environmental Protection Agency (EPA). It includes the abandonment of approximately 5,765 linear feet of 12 and 15-inch sewer mains and the associated manholes in the Canyonside Community Park and Los Penasquitos Canyon Preserve and installing approximately 1,500 feet of 18-inch sewer main. The existing easement will be abandoned and the pipes will be abandoned in-place to minimize the environmental impacts. The abandonment will include removing the cover and busting the top, drilling or breaking the bottom of the manholes, slurry sealing the manholes and the pipe and then filling the top of the manholes with soil. This is a common practice to abandon a pipe outside the trench area and there is no need to remove the existing pipe which is 10 feet deep on average to minimize environmental impacts. The existing mains were installed in 1968 and they are no longer meeting capacity. The replacement of these sewer mains will provide the community with a safe and reliable wastewater collection system that complies with EPA mandates.

The City of San Diego, as lead agency under CEQA, has prepared and completed a Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program covering this activity, Project No. 6624 dated November 27, 2006. Council passed resolution R-302676 on June 4, 2007 approving this activity.

On February 25, 2002, Council passed resolution R-296105 approving the Consultant Agreement with Rick Engineering Company for the design services of this project.

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego-Prevailing wages do not apply to this contract.

Goals: 11% Mandatory subcontractor Participation Goal, 4% Advisory Participation Goal Disadvantaged Business Enterprise (DBE), 1% Advisory Participation Goal Disabled Veteran Business Enterprise (DVBE), 6% Advisory Participation Goal Other Business Enterprise (OBE).

000306

Other: Prior to award, a work force report, and if necessary, an Equal Opportunity Plan shall be submitted. Staff will monitor the plan and adherence to the Non discrimination Ordinance. EOC staff will evaluate the bidder's compliance with SCOPe. Failure to comply with SCOPe will lead to the bid being declared non-responsive. This contract will be advertised for bid in the San Diego Daily Transcript, the City of San Diego's website and the E-Bid Board. In addition, once implemented, the Bidder Registration Program will notify registered participants of bid opportunities. Prior to the implementation of the Bidder Registration Program, the City will notify trade associations and eligible firms via fax and/or e-mail.

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$2,322,867. Funding of \$354,151.14 was previously authorized by Council (R-296105) for a consultant agreement with Rick Engineering. Funding is available in the enterprise fund, CIP No. 46-194.0, Annual Allocation – Trunk Sewer Rehabilitations, Fund 41506, Sewer, for this purpose. The project costs for the sewer portion of \$1,968,715.86 may be bond reimbursed approximately 80% by current or future debt financing. The project is scheduled to use FY09 funding. No further funding is anticipated. The Auditor's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL COMMITTEE ACTIONS:



The Committee on Natural Resources and Culture on June 25, 2008, consent motion by Councilmember Faulconer, second by Council President Peters. Vote to approve 4-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During design, this project was presented to the community. Residents and businesses will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of the notices. Traffic control plans have been prepared for this project and will be implemented during the construction operations.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Residents will experience minor impacts during construction. After completion, residents will experience improved reliability of the sewer collection systems.


Patti Boekamp
Director, Engineering & Capital Projects
David Jarrell
Deputy Chief of Public Works

000307

PROJECT COST ESTIMATE

Penasquitos Views Trunk Sewer

 Agreement
 Advertise
 Award/Amend

x

 Prepared by:
 Date:
 W.O. No.

N. Batta

May 5, 2008

177160

(Project Title)

ACTIVITY

CIP NO. OR OTHER SOURCE OF FUNDS

TOTALS

% OF E

		Current 46-196.7	This Request 46-196.7	TOTAL		
	% OF E					
A. Planning/Design/Administration						
4114 Preliminary Engineering	11.19%	0.00	260,000.00	260,000.00		
4115 Outside Engir	0.25%	0.00	5,718.25	5,718.25		
4116 Construction Engineering	10.76%	0.00	249,997.61	249,997.61		
4118 Engineering Design	15.25%	354,151.14	0.00	354,151.14		
41181 Engineering Design #2	0.00%	0.00	0.00	0.00		
4119 Environ. Impact Studies	0.00%	0.00	0.00	0.00		
4151 Professional Services	0.00%	0.00	0.00	0.00		
4159 Construction Management	0.00%	0.00	0.00	0.00		
4240 Reimbursement Agreements	0.00%	0.00	0.00	0.00		
Total Planning/Design/Administration		354,151.14	515,715.86	869,867.00	869,867.00	37%
B. Construction						
4150 Safety	0.00%			0.00		
4220 Prime Construction Contract	58.25%	0.00	1,353,000.00	1,353,000.00		
42201 Construction Contract #2	0.00%			0.00		
42220 JOC	0.00%			0.00		
4226 City Forces Work	0.00%	0.00	0.00	0.00		
4810 OCIP / Professional Liability	0.00%			0.00		
4981 SDDPC Support	0.00%			0.00		
Total Construction		0.00	1,353,000.00	1,353,000.00	1,353,000.00	58%
C. Equipment and Furnishings						
3316 Pipe Fittings	0.00%			0.00		
4922 Construction Related	0.00%			0.00		
Total Equipment and Furnishings		0.00	0.00	0.00	0.00	0%
D. Contingencies						
4905 Contingencies	4.31%	0.00	100,000.00	100,000.00		
4909 Pooled Contingencies	0.00%			0.00		
Total Contingencies		0.00	100,000.00	100,000.00	100,000.00	4%
SUBTOTAL		354,151.14	1,968,715.86	2,322,867.00	2,322,867.00	100%
E. Equipment & Furnishings						
4922 Equipment & Furnishings				0.00	0.00	
F. Land Acquisition						
4638 Land Acquisition			0.00	0.00	0.00	
TOTAL PRO.		354,151.14	1,968,715.86	2,322,867.00	2,322,867.00	

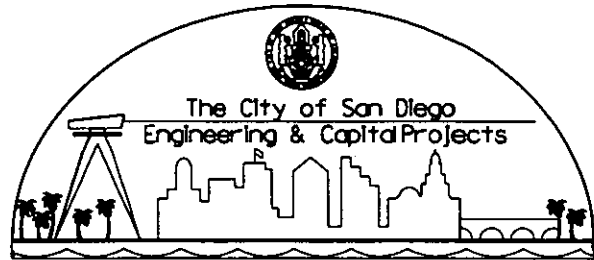
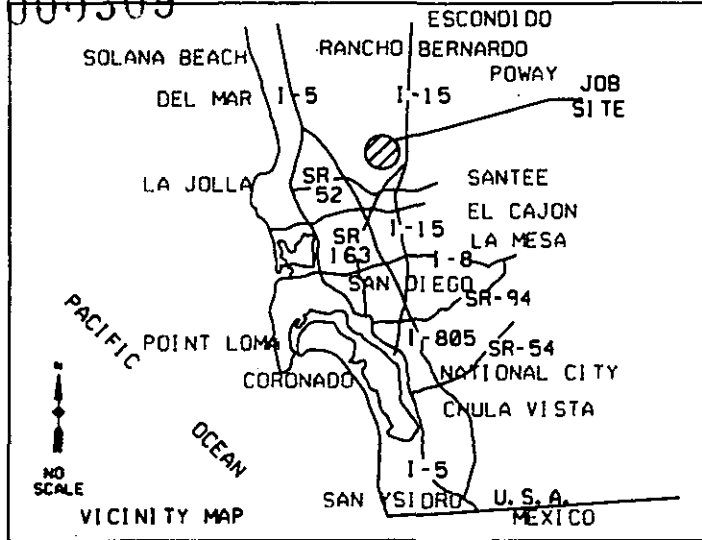
(When Applicable)		
SAVINGS BY USE OF CITY FORCES		
	City Forces	Contract
Labor	0	0
Material	0	0
Equip.	0	0
Profit	0	0
TOTAL	0	0

Prev. Auth. Res. #	R-296105	354,151.14
Prev. Auth. Res. #		
Prev. Auth. Res. #		
Prev. Auth. Res. #		
Prev. Auth. Res. #		
Prev. Auth. Res. #		
Total Previous Authorized		354,151.14
ADDITIONAL AUTH. REQUIRED		1,968,715.86

FUNDING:	41506		
CIP NO.	46-196.7		
Programmed			
Uncom. Balance			
THIS REQUEST	1,968,715.86		1,968,715.86

COMMENTS: Contingency is higher due to the excessive canyon sewer work and complexity of the project.

000309



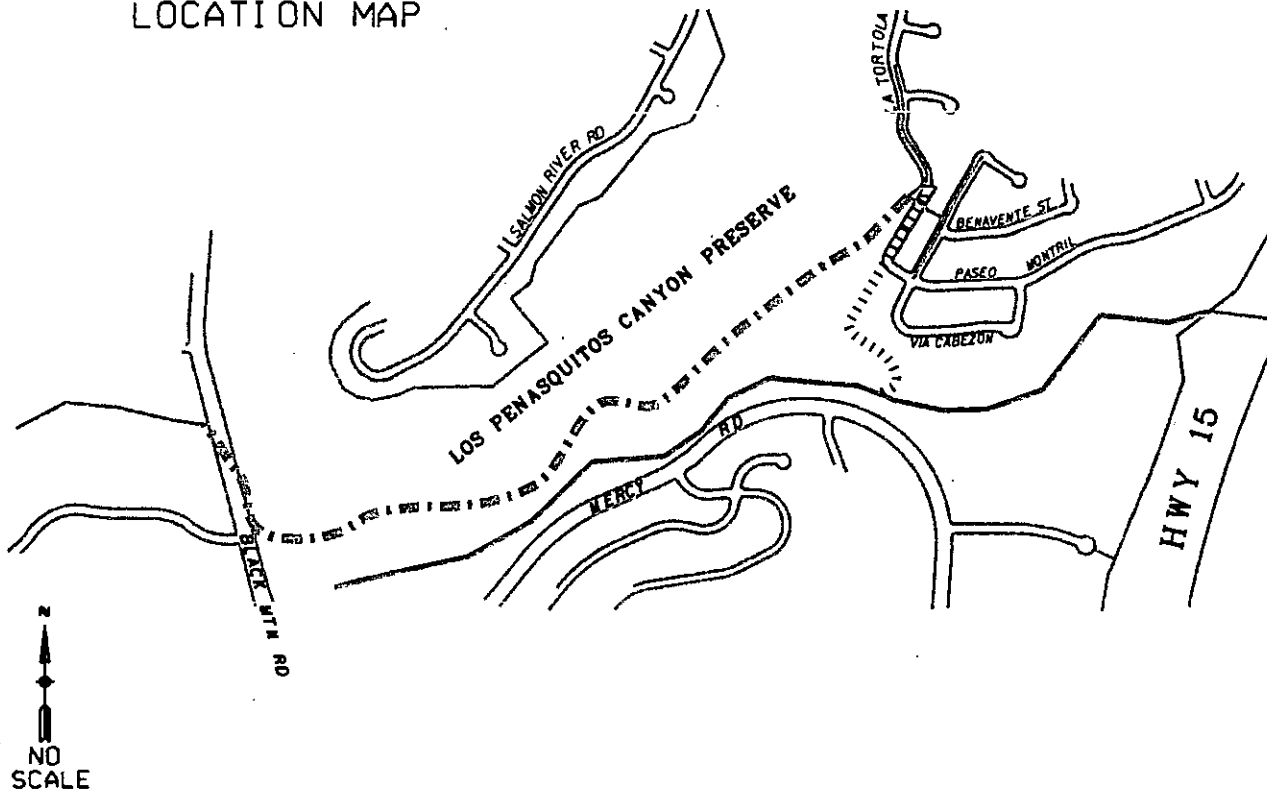
PROJECT ENGINEER
SHEILA DEGUZMAN
☎ 619-533-5227

SENIOR ENGINEER
CARL SPIER
☎ 619-533-5126

PROJECT MANAGER
NABIL BATTI
☎ 619-533-5191

PUBLIC INFO. OFFICER
STAFF
☎ 619-533-4207

PENASQUITOS VIEWS TRUNK SEWER REPLACEMENT LOCATION MAP



LEGEND:

- EXISTING PENASQUITOS TRUNK SEWER TO REMAIN
- - - - - EXISTING PENASQUITOS VIEWS TRUNK SEWER TO BE ABANDONED
- PROPOSED PENASQUITOS VIEWS TRUNK SEWER RELOCATION

03-06-06 ENW

NOTICE OF DETERMINATION

000311

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 6624

State Clearinghouse Number: 2006091103

Permit Applicant: City of San Diego, 600 B Street, MS- 908A, San Diego, CA 92101, Ms Sheila DeGuzman, (619) 533-5227.

Project Title: PENASQUITOS VIEWS SEWER REPLACEMENT AND ABANDONMENT

Project Location: Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, Canyonside Community Park, and Los Penasquitos Canyon Preserve, all within the Rancho Penasquitos Community Planning area of the City and County of San Diego.

Project Description: EASEMENT VACATION, SITE DEVELOPMENT PERMIT, and RIGHT OF ENTRY PERMIT to allow the construction of approximately 146 linear feet of a 12-inch diameter sewer line and 1,344 linear feet of an 18-inch diameter sewer line within a proposed set-aside in City of San Diego-owned open space. The project would also involve the abandonment of approximately 5,765 linear feet of 12-inch and 15-inch sewer line and associated manholes. The scope of work also includes associated improvements such as laterals, manholes, and related improvements. Various portions of the project alignment are located in La Tortola Street, Black Mountain Road, Ridgewood Park, Canyonside Community Park, and Los Penasquitos Canyon Preserve, all within the Rancho Penasquitos Community Planning area of the City and County of San Diego.

It is to advise that the City of San Diego, City Counsel, on _____ approved the above described project and made the following determinations:

1. The project in its approved form ____ will, X will not, have a significant effect on the environment.
2. ____ An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
X A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
____ An addendum to Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures X were, ____ were not, made a condition of the approval of the project.
4. (EIR only) Findings ____ were, ____ were not, made pursuant to CEQA Guidelines Section 15091.
5. (EIR only) A Statement of Overriding Considerations ____ was, ____ was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Shearer-Nguyen

Telephone: (619) 446-5369

Filed by: _____

Signature

Title

000313

RESOLUTION NUMBER R- 296105

ADOPTED ON FEB 25 2002

(R-2002-605)

W. GAMBRO
WATER & WASTEWATER
FAC. DIV
MS-908A

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with Rick Engineering Company, to perform consultant services for Penasquitos Views Trunk Sewer Replacement Project, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 296105.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$354,151.14 from Sewer Fund 41506, CIP No. 46-194.0, Annual Allocation - Trunk Sewer Rehabilitation, is hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller, upon advice from the administering department, is hereby authorized to return excess budgeted funds to the appropriate reserve.

APPROVED: CASEY GWINN, City Attorney

By Eric A. Swenson

Eric A. Swenson
Deputy City Attorney

EAS:pev
1/23/02
Aud.Cert:2200733
Or.Dept:E&CP
R-2002-605

000315

RESOLUTION NUMBER R- 302676DATE OF FINAL PASSAGE JUN 04 2007

WHEREAS, the City of San Diego submitted an application to the Planning and Development Review Department of the City of San Diego for a site development permit and an easement abandonment for the Penasquitos Views Trunk Sewer Project [Project]; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on JUN 04 2007; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 6624; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 6624, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process,

000316

has been reviewed and considered by this Council in connection with the approval of a site development permit and an easement abandonment for the Penasquitos Views Trunk Sewer Project.

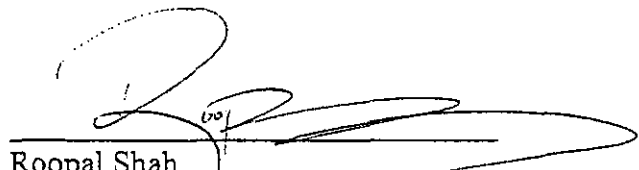
BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Roopal Shah
Deputy City Attorney

RS:pev
05/21/07
Or.Dept:DSD
R-2007-1145
MMS #4867
ENVIRONMENTAL - MND 11-01-04

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING PLANS AND
SPECIFICATIONS AND AUTHORIZING EXPENDITURE
REGARDING PENASQUITOS VIEWS TRUNK SEWER

WHEREAS, Penasquitos Views Trunk Sewer [Project] is part of the City of San Diego's Sewer Main Replacement Program as mandated by the Environmental Protection Agency;

WHEREAS, this Project is located within the Canyonside Community Park and Los Penasquitos Canyon Preserve, and includes the abandonment of approximately 5,765 linear feet of 12-inch and 15-inch sewer mains and associated manholes, and installation of approximately 1,500 feet of 18-inch sewer main; and

WHEREAS, on June 4, 2007, the Council of the City of San Diego [City], by Resolution No. R-302676, adopted certified Mitigated negative Declaration, No. 6625, a copy of which is on file in the Development Services Department, in connection with its approval of the construction of the Project; NOW THEREFORE;

BE IT RESOLVED, by the City that the plans and specifications for the construction of the Project as advertised by the Purchasing and Contracting Department filed in the office of the City Clerk as Document No. _____, are approved.

BE IT FURTHER RESOLVED, that after advertising for bids in accordance with law, the Mayor or his designee is authorized to execute a contract with the lowest responsible and reliable bidder, provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$1,968,715.86 from Sewer Fund 41506, CIP 46-194.0, Annual Allocation-Trunk Sewer Rehabilitations is authorized solely for the construction, contingency and Project related costs, in the following manner, provided that the City Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer:

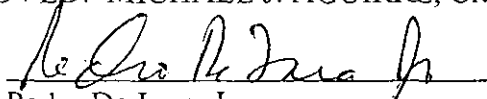
- a) \$333,000 – Current Appropriations; and
- b) \$1,635,715.86 from Fiscal Year 2009 appropriations contingent on City Council approval of funds for this purpose in the Fiscal Year 2009 CIP Budget.

BE IT FURTHER RESOLVED, that the City, stating for the record that the information contained in the Mitigated Negative Declaration, No. 6624, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines section 15162 would warrant any additional environmental review in connection with approval of the Project.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Pedro De Lara, Jr.
Deputy City Attorney

PDJ:js
07/11/2008
Or.Dept: E&CP
R-2008-1122

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor